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ACTS
OF THE
CALLED SESSION
OF THE
GENERAL ASSEMBLY OF ALABAMA,
HELD IN THE
CITY OF MONTGOMERY,
COMMENCING ON THE
SECOND MONDAY IN JANUARY, 1861.

ANDREW B. MOORE, Governor.

A. B. MEEK, Speaker of the House of Representatives.

J. D. RATHIER, President of the Senate.

MONTGOMERY, ALA.:
SHORTER & REID, STATE PRINTERS.
1861.



LAWS OF ALABAMA.

No. 1.]

AN ACT

1861.

To Regulate Judicial Proceedings, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in the commencement of any suit in any of the courts of law or equity in this state, the court to which any suit, writ, summons, complaint, or bill may be made returnable shall be deemed and held as the return term of such suit, writ, summons, complaint, or bill, and the same shall stand for trial at the next succeeding regular term of such court appointed by law to be holden after such return term; and the parties in the law courts shall not be required to plead at the first term, except that pleas in abatement shall be filed as now required by law: *Provided,* The provisions of this section shall not apply to bills in chancery for partition and sales of property, or in cases for divorce: *And provided further,* That the defendant or party against whom a bill may be exhibited in a chancery suit may come in and consent to a trial at the first term. Under this section, when suits are hereafter brought in the City Court of Mobile, to the March or June term of said court, said term shall be held as the return term, and said suits shall stand for trial at the next succeeding December term; and suits that may be brought returnable to the December terms, said December terms shall be held as the return term, and said suits shall stand for trial at the next succeeding June term; the said June term shall commence on the third

Return term.

Time of trial.

Not to apply to bills in chancery or divorce.

Trial at first term by consent.

City Court of Mobile.

Monday in May of each year during the continuance of this act: *Provided further*, That the provisions of this section shall apply to all writs, summonses, complaints, and bills returnable to the spring term, 1861, of the circuit and chancery courts, whether issued before or after the passage of this act.

Forthcoming
bond to be taken
by officer.

SEC. 2. *Be it further enacted*, That in any case where any execution shall have issued or may be issued, founded upon any judgment or decree of any court of record in this state, it shall and may be lawful for the sheriff or other officer authorized to levy such execution to take from the defendant or defendants therein a forthcoming bond, with at least two good sureties, conditioned for the delivery of any property levied upon to satisfy such execution at the place where the same may be made returnable on the return day of such execution; and in the event of a failure to deliver such property on the return day of the execution, according to the condition of the forthcoming bond, the sheriff or other officer levying such execution shall return such forthcoming bond "forfeited;" and such return shall have the force and effect of a judgment against the principal and sureties therein for the full amount of the original judgment and interest and costs thereon, and execution shall issue thereon accordingly.

Penalties for
failure to deliver
property.

Conditions of
sale—sale under
deed of trust or
mortgage.

SEC. 3. *Be it further enacted*, That in case any deed of trust or mortgage, with power of sale, has been or may be executed in this state, to secure the payment of any debt or debts, it shall not be lawful for the trustee or the creditor named in such deed or mortgage to sell any property so conveyed, without having the actual possession thereof, so as to deliver the same to the purchaser upon making said sale. And in the event the grantor in any such deed of trust or mortgage, with power of sale, shall fail on demand to deliver possession of any property or estate so conveyed, after having made default in the payment of the debt thereby secured, it shall be lawful for the trustee or creditor claiming to have legal title to sue for the possession of the same; and, if personal property, the sheriff, upon such suit being brought and affidavit of title made, shall take the property into possession, unless the grantor give bond, with good and sufficient sureties, as in detinue cases, to be approved by the sheriff or officer serving the summons or writ, conditioned for the forthcoming of the

property sued for, to answer the lien created by any such deed of trust or mortgage, or in default thereof to pay such debt and interest thereon, with all costs: *Provided, however,* The surety to said bond shall not be made liable for the value of any such property as may die before the law day of the bond, without fault on the part of the defendant.

Surety not liable for property that may die.

SEC. 4. *Be it further enacted,* That hereafter justices' courts in this state for the trial of civil causes shall be held quarterly, at such times as the justices in each beat may appoint, and may continue three days, if necessary; and the term to which any original process, summons, warrant, or complaint shall be made returnable shall be deemed and held the docket term of said court, and the cause shall stand for trial at the next ensuing term thereafter; and on all judgments rendered by any justice in any civil cause, the party or parties against whom such judgment may be rendered shall, at any time after the rendition thereof and before the payment of the same, have the right of appeal to the next term of the circuit or county court of the county in which such judgment may be rendered, upon giving such appeal bond, with surety, as is now required by law in appeal cases; and the term to which such appeal may be taken shall be the return term thereof, and the next succeeding term the trial term thereof; and in no case of appeal shall a county tax be charged, unless the expense of a jury trial be incurred; nor shall any damages over and above the debt and interest thereon be allowed. Justices of the peace shall make executions issued by them returnable to the quarterly term of their courts next after the rendition of any judgment.

Times of holding justices' courts.

Right of appeal.

Return term, &c.

SEC. 5. *Be it further enacted,* That the provisions of this act shall not be held to apply to suits of any description or judgments in any court against defaulting public officers, for failing to pay over money, or for any breach of the duties required of them by law; nor against trustees, for any fraudulent use of trust funds; but such suits and judgments, and executions founded thereon, shall be regulated in all respects by the laws heretofore in force in such cases.

Not to apply to defaulting public officers, or trustees.

SEC. 6. *Be it further enacted,* That the property, real and personal, of all persons who are or may be engaged in the actual military service of this state, shall be exempted from levy and sale under legal process while so

Property of persons in military service.

engaged, and for at least sixty days after such persons shall have been released or discharged from such services.

No damages in
Supreme Court.

SEC. 7. *Be it further enacted*, That all laws and parts of laws assessing damages upon appeals to the Supreme Court be and the same are hereby repealed, and no tax fee shall be allowed in the Supreme Court on appeals, unless the appellant appears by counsel and litigates the same.

SEC. 8. *And be it further enacted*, That in all cases where executions have been or may be issued upon existing judgments, orders or decrees of any court, and the plaintiff, his agent or attorney, shall not authorize the officer whose duty it is to levy the same, by endorsement in writing on said execution, to take from the defendant or purchaser of any property which may be sold by virtue thereof, the bills of any of the banks in this state at par, it shall be the duty of such officer, upon the defendant giving a forthcoming bond, with surety for the delivery of said property to be sold in satisfaction of said execution on the first Monday in February next. If said property is not delivered at the law day of the bond, the same shall have the force and effect of a judgment, and the clerk shall issue execution thereon for the debt, interest, and costs of said judgment and execution.

APPROVED, February 8th, 1861.

No. 2.]

AN ACT

Explanatory of and Supplemental to an Act passed at the present session, entitled "An Act to Regulate Judicial Proceedings, and for other purposes."

Meaning of the
eighth section of
foregoing act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the duty of the officer, which is left unexpressed in the last section of the act above referred to, is hereby made and declared to be, in every case contemplated by said last section, to return the process or execution thus: "Stayed by the failure of the plaintiff or his agent to make the endorsement required by law." And afterwards no further proceeding shall be

had in any such case until the first Monday in February next, on and after which day, every such forthcoming bond shall be deemed and taken as a judgment against the obligors therein.

SEC. 2. *Be it further enacted*, That none of the provisions of the act to which this is a supplement, shall be so construed as to affect any contract which has been or may be entered into by the State of Alabama with any railroad company.

Contract between State and railroads.

APPROVED, February 9th, 1861.

No. 3.]

AN ACT

To extend the time for the payment of taxes into the State Treasury, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several tax collectors of this state be, and they are hereby authorized to extend the time of collecting the tax for the year of 1860, to such time as may enable them to complete their payments of state and county tax on or by the first day of May next, by which time they are hereby required fully to pay all of the taxes due for said year.

Tax collectors to make full payment by 1st May.

SEC. 2. *Be it further enacted*, That the several tax collectors of this state may levy upon, and sell, property for the payment of taxes, at any time between the first day of March and the first day of May next, as they are now authorized to do between the first day of December and March in each year.

May sell property between 1st March and 1st May.

SEC. 3. *Be it further enacted*, That the extension hereby given to the several tax collectors, shall not in any wise operate to discharge or release them, or any one of them, from the performance of any and all of the duties imposed upon them by law, nor shall they or any one of them, or any of their securities, be discharged or released from the obligation or legal effect of the several bonds they may have signed or executed for the performance of their duties, and the faithful payment of moneys received by them: *Provided*, The written assent of the securities to the extension allowed by this act shall be obtained by said tax collectors and

Tax collector not discharged from any duties by this exemption.

Bonds to remain valid.

Written assent of securities to be obtained.

filed in the office of the comptroller of public accounts, and approved by the comptroller before the extension hereby allowed shall take effect.

Limit of this act.

SEC. 4. *Be it further enacted*, That the provisions of this act shall only extend to the tax year commencing the first day of March, 1860. And the several tax

Collectors to pay all moneys received to the time of the passage of this act. Penalty of failure.

collectors are hereby required to pay over all the moneys collected or received at the time of the passage of this act, and upon any one of them failing so to do, by the first of March, 1861, all the penalties the law now enforces against defaulting tax collectors be in full force against any and all tax collectors, who shall fail to comply with this act, and the comptroller of public accounts is charged with the faithful execution of this act: *Provided*, Any person being about to remove out of the county, who is owing any tax, the same shall be collected immediately.

Proviso.

Money receivable for taxes and other public dues.

SEC. 5. *Be it further enacted*, That the bills or notes of all or any of the chartered banks of this state, shall be received for all taxes and other public dues, up to the first of May, 1861: *Provided*, That every tax collector paying into the treasury the bills or notes of any bank that has suspended specie payment for their bills or notes, shall make an affidavit in writing, sworn to before some officer authorized to administer an oath, stating the amount of such bills or notes proposed to be paid into the treasury by him, and stating that he collected the same at par from tax payers, and that he did not buy or receive the same at a discount, and shall file the same in the treasurer's office; and if any tax collector shall swear falsely in making such affidavit he shall be deemed guilty of perjury.

Shall make affidavit as to amt of bank-bills or notes.

Controller shall publish this act.

SEC. 6. *Be it further enacted*, That one hundred and sixty copies of this act shall be printed, and it shall be the duty of the comptroller of public accounts to send to each of the tax collectors, and judges of probate, in each county, copies of the same immediately.

APPROVED, February 8th, 1861.

No. 4.]

AN ACT

To legalize the suspension of specie payments by certain Banks of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the suspension of specie payments by the Central Bank of Alabama, the Commercial Bank of Alabama, and the Eastern Bank of Alabama, be, and the same is hereby legalized upon the following conditions: 1st. That the said banks shall take at par of any bonds of the State of Alabama, issued under the authority of said state, having not more than ten years to run, with interest payable annually, at eight per centum per annum, the following amounts: the Central Bank of Alabama, the sum of one hundred and ninety-one thousand five hundred dollars; the Commercial Bank of Alabama, the sum of one hundred and six thousand four hundred dollars; the Eastern Bank of Alabama, the sum of sixty-three thousand eight hundred and fifty dollars; to be paid for in coin if required by the governor. 2d. That said banks shall resume specie payments by the first day of June, 1862, but the governor may, in his discretion, extend the time of said resumption to the first day of the fourth week of the next session of the General Assembly of this state, next after said day.

Conditions of suspension.

Amount of State bonds to be taken by the Central Bank.
Amount by the Commercial B'k.

Amount by the Eastern Bank.

To resume specie payments 1st May, 1862.

Governor may extend the time.

SEC. 2. *Be it further enacted,* That on the failure of said banks, or either one or more of them, to comply with the conditions imposed by the first section of this act, said bank or banks so failing or refusing, shall forfeit their charter or charters, and the governor is required to institute judicial proceedings to obtain a judgment of forfeiture against such bank or banks.

Failure to comply to forfeit charter.

SEC. 3. *Be it further enacted,* That so long as said banks, or either of them, may actually own and hold any of the bonds taken by said banks under the provisions of this act, the amount of said bonds so held and owned by said banks respectively, shall be taken in regard to the amounts of bills said banks are allowed to put in circulation, as so much gold and silver coin.

Bonds to stand as capital.

SEC. 4. *Be it further enacted,* That during the suspension of specie payments authorized by this act, any bill holder holding the bills of any one of said banks

Rights of bill-holders under this act.

to the amount of fifty dollars or more, may, if payment of the same in specie is refused at the counter of the bank by which said bills were issued, deposit said bills in said bank, and require the cashier to give him a certificate of the amount of bills so presented, and that payment of the same was refused, and the date of said presentment and refusal, and said bank shall be liable to the holder of said certificate for the amount thereof, with interest at the rate of (8) eight per centum per annum, up to the time of resumption of specie payments by said bank, and should said bank fail to resume specie payment according to the provisions of this act, then said bank, on the presentation of the certificate, shall be liable to the holder of such certificate for the amount thereof, with (12) twelve per centum per annum interest thereon from such presentation until paid.

Penalty as to
cashier.

SEC. 5. *Be it further enacted*, That if any cashier shall fail or refuse to give the certificate required by the provisions of the 4th section of this act, he shall forfeit and pay to the bill holder demanding such certificate, the sum of one thousand dollars.

Bills to be re-
ceived in pay-
ment of taxes,
&c.

SEC. 6. *Be it further enacted*, That the bills of said banks are hereby made receivable in payment of taxes, and all other public dues, unless the governor shall, by his proclamation, otherwise direct.

Bank of Mobile,
Southern Bank,
and Northern
Bank may avail
themselves of
this act.

SEC. 7. *Be it further enacted*, That should the Bank of Mobile, and the Southern Bank of Alabama at Mobile, and the Northern Bank of Alabama at Huntsville, before the first day of June, 1862, or either of them, suspend the payment of specie for their notes, they, or either of them respectively, shall be entitled to all the benefits and subject to all the conditions and liabilities of the banks of the state now in suspension, on condition that said banks shall take at par, of any bonds of the State of Alabama, issued under authority of said state, amounts following: The Bank of Mobile, the sum of three hundred and nineteen thousand one hundred and fifty dollars; the Southern Bank of Alabama, at Mobile, the sum of two hundred and twelve thousand eight hundred dollars; and the Northern Bank of Alabama, at Huntsville, the sum of one hundred and six thousand four hundred dollars, to be paid for in coin, if required by the governor: *Provided*, That the state shall not pay any interest on the bonds held

Proviso.

by the banks, taken and held under the provisions of this act, until the banks resume specie payments severally.

APPROVED, February 2, 1861.

No. 5.]

AN ACT

To alter and amend the Act to Provide for the Preparation of a Revised Code of Alabama, of a General and Public Nature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner appointed by the governor to revise the code of the statute laws of the State of Alabama, under the act of the last session, approved February 21st, 1860, be required to embrace in the code to be prepared by him under the provisions of said act, in addition to the matters therein specified, all the public statutes of a general nature passed at the present called session, all the ordinances of a public and permanent character passed by the convention of the State of Alabama and in force at the time he presents the code to the governor, as provided in said act. He shall also embrace in said code the fundamental law of any provisional government adopted by the southern states, as well as the constitution of the Southern Confederacy, if one shall then be adopted and ratified by this state; and he shall indicate, in marginal or foot notes, all changes made in the constitution of this state by the ordinances of the convention; or if the convention should adopt a revised constitution of the state, he shall include the same, instead of making said marginal or foot notes, and shall make his report to the governor in time to be laid before the General Assembly at its regular session in 1862.

Public statutes of the called session to be included.

Also, the fundamental law and constitution of the Confederate States.

Changes in State constitution to be noted.

APPROVED, February 5th, 1861.

No. 6.]

AN ACT

For the Sale of the Swamp and Overflowed Lands of the State of Alabama, and for other purposes.

Governor to offer the lands for sale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the swamp and overflowed lands accruing to the State of Alabama under the act of Congress of 28th of September, 1850, when patented by the government of the United States, or certified by authority to this State as belonging to the same, under and by virtue of the above recited act and that of date of 2d March, 1855, shall be offered for sale, when the governor shall deem it expedient for the interest of the state.

Board of commissioners appointed—their duties.

SEC. 2. *And be it further enacted;* That the governor of this state is hereby authorized and directed to appoint the board of Swamp Land Commissioners contemplated in act of 14th February, 1860, of the legislature of this state, whose duty it shall be to fix and determine the prices of the swamp and overflowed lands, according to their value, and report the same to the governor of the state, or such other officer as may have the public lands of the state in charge, who shall order the agents for the selection of said lands to offer the same for sale, first at public sale at the minimum prices fixed, and then at private entry, in tracts and under the rules and regulations of land sales by the United States.

Governor to direct places of sale.

SEC. 3. *And be it further enacted,* That the places of sale shall be directed by the governor, to suit the convenience of the people in different parts of the state, where the lands may be located, and the time and place of such sale and entry shall be made known by the proclamation of the governor, published for six weeks, in one paper published at the seat of government and two newspapers of extended circulation in the vicinity of the lands to be offered.

Sale to be advertised.

Right of entry.

SEC. 4. *And be it further enacted,* That all persons residing on, or having valuable improvements on any of the aforesaid lands, shall have the right of entry of the same, on making satisfactory proof thereof to those who may have charge of the sales provided for by this act, of tracts not exceeding one quarter section each, at the minimum prices.

SEC. 5. *And be it further enacted,* That the Governor shall appoint receivers of the proceeds of all lands sold under this act, who, with one or more of the selecting agents, shall conduct the public and private sales of the swamp and overflowed lands, and make full returns thereof to the executive office, or to the office of any one who shall have control of the public lands of the state, and a monthly statement of the amount of moneys received to the treasurer of the state. The receivers shall issue receipts to purchasers, fully describing the tracts purchased, according to the survey of the United States, and keep a record of the same and forward a monthly report thereof, with duplicate receipts issued by him, to the executive office, and the agent or agents conducting the sales shall report, monthly and quarterly, abstracts of the applications issued by them and certificates of purchase made of him, and copies of all proofs made before him of settlement and improvements. When two or more persons shall claim the same tract of land, the agent and receivers shall cite the parties in interest before them, and after a full hearing, shall determine who shall have the right of purchase, keeping a full record of the trial, and forward a copy thereof to the executive office. The agents and receivers shall have power to administer all necessary oaths to parties and witnesses, and issue commissions to take testimony, in all matters relating to the public land sales under this act, and charge the usual fees of courts for like services, and for every decree the sum of two dollars to be paid by the party making the costs.

Governor to appoint receivers—
their duties.

Agents and receivers to administer oaths.

SEC. 6. *And be it further enacted,* That the receivers shall, before entering upon the discharge of their duties, take an oath, before some judge or justice of the peace, faithfully to discharge their duties according to law, and enter into a bond, with good and sufficient securities, in such sum as the governor shall direct, and to be approved by him, conditioned for the faithful performance of his duties, and the payment to the treasurer of the state of all moneys that may come into his hands from sales of lands under this act; and the agents shall file an oath faithfully to discharge their duties as superintendents of sales.

Receivers shall take oath and make bond.

SEC. 7. *And be it further enacted,* That the treasurer of the state shall receive all moneys arising from sales of lands under this act, and keep the same separate and

State treasurer to receive the moneys.

apart from other funds of the state, and style the moneys so received swamp land fund, and shall account for and be liable for the same as for other public moneys.

Kind of money received. SEC. 8. *And be it further enacted,* That the receivers shall receive gold and silver, and the notes of such banks as shall be received in payment of taxes due this state, for lands, and pay the same to the treasurer of the state quarterly, taking duplicate receipts for the same, and forward one copy to the executive office and file one copy in his office; and as compensation for his services, shall be entitled to two and a half per centum on all moneys arising from the sales of lands under this act, provided it shall not exceed eight hundred dollars per annum, that he pays over to the treasury of the state. And the agents for superintending sales shall be entitled to two and a half per centum of the amount of sales made, payable quarterly, under such rules and regulations as the governor shall establish, provided it shall not exceed eight hundred dollars per annum.

Compensation.

Privilege of agents. SEC. 9. *And be it further enacted,* That the agents for the selection of swamp lands shall have the right to examine all maps, field-notes, books, and charts belonging to the state, relating to the public lands, and be furnished with the acts of the legislature and other public documents and maps, as are other public functionaries.

Receivers pay for advertising and stationery. SEC. 10. *And be it further enacted,* That the receivers shall pay the necessary expense of publishing notices of sales of land, and of stationery and blanks; requiring that all bills shall be in duplicate, and proved to be made according to customary rates and prices of sales, and keep an expense account of the foregoing items, and vouchers; and when approved by the comptroller of the state, shall be passed to the credit of the receiver; all of which shall be paid from the swamp and overflowed land fund.

Governor to issue patents. SEC. 11. *And be it further enacted,* That the governor of this state, after approving the sales of lands provided for in this act, shall cause the same to be patented, conveying all the title of the state to the purchaser, or his assignees.

Penalty for cutting or removing timber or wood. SEC. 12. *And be it further enacted,* That any person or persons who shall cut or remove any tree or light wood from any lands belonging to the United States or

the State of Alabama, or that this state may hereafter acquire, shall be subject to indictment, and be fined in the sum of five dollars for every spar so taken, and for every tree of any kind, one dollar; and for every cord of light wood removed for the purpose of sale, one dollar; and for every tree boxed for turpentine, twenty-five cents; and in default of paying the fine as above stated, shall be imprisoned, as in other state cases. It shall be the duty of the justices of the peace, on complaint being made to them, to bind over to the next circuit court all persons who may commit trespasses on the public lands, and it is hereby made the duty of the judges of the circuit courts to give this act specially in charge to the grand juries of the different counties of this state; and the solicitors of the different circuits shall be entitled to a fee of ten dollars for every conviction under this act. One-half of the aforesaid fines shall go to any person who will prosecute the offender to conviction, and the other to the State of Alabama.

Duty of justices of the peace, judges of circuit court, and solicitors.

APPROVED, February 8, 1861.

No. 7.]

AN ACT

To exempt certain property from levy and sale for the use of families.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, in addition to the property now exempt from levy and sale under any legal process, for the use of families, there shall be also in like manner, exempt for the use of every mechanic who is the head of a family in this state, two hundred dollars worth of such stock or materials as may be used by him in the prosecution of his trade.

Stock of mechanics to amount of two hundred dollars exempt.

APPROVED, February 8, 1861.

No. 8.]

AN ACT

To appropriate \$500,000 to the cause of Southern Independence.

To be taken as a
loan.

How paid, and
in what money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of five hundred thousand dollars be, and the same is hereby appropriated and placed at the disposal of the Southern Congress, now in session, or of the Provisional Government of the confederacy of seceding states, which the said Congress may establish, by way of a loan to said Provisional Government or Confederacy, and that the governor be and is hereby empowered and required to pay out the said sum of five hundred thousand dollars, in such amounts and at such times as the said Congress or Provisional Government may direct, taking duly accredited receipts for the amounts so paid out: *Provided,* That it shall be left to the discretion of the governor to pay the said amounts in coin, or in any currency of the State of Alabama, or in bonds of the state, or in the treasury notes of this state, authorized to be issued under the authority of any law of this state.

APPROVED, February 6, 1861.

No. 9.]

AN ACT

Authorizing the Governor to issue Treasury Notes.

Notes not to ex-
ceed one hun-
dred dollars each
—rate of interest

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the payment of any expenses incurred by the State on account of the passage of the ordinance of secession, it shall and may be lawful for the governor to issue the notes of the state, in such sums as he may deem advisable, not exceeding one hundred dollars each, payable at the treasury of the State, bearing interest, not exceeding six per cent. per annum, with which or with means arising from the sale thereof, he shall pay the debts of the state, and which notes so issued and paid out or sold, shall be received by the state in the payment of all taxes and public dues to

the state of every denomination, and for all corporate and county taxes, laid or assessed after the passage of this act : *Provided*, The whole amount of said treasury notes issued by virtue hereof shall not exceed (\$1,000,000) one million dollars : *And provided further*, That whenever the public officers receiving said notes for public dues shall pay the same out again, it shall not be deemed or held that the state is thereby released from its obligations to pay the same to any holder thereof.

Receivable in payment of taxes and public dues.

Whole amount not to exceed \$1,000,000.

SEC. 2. *Be it further enacted*, That it shall be the duty of the comptroller and treasurer of the state, each, to keep a book wherein every note issued shall be registered, numbered, dated, and the denomination thereof set down ; which notes shall be signed by the treasurer and countersigned by the comptroller, before they are issued and paid out ; which said notes shall be thereafter transferable by delivery.

Comptroller and treasurer to register notes.

SEC. 3. *Be it further enacted*, That if any person or persons shall forge or falsely alter any note issued by virtue of this act, or shall utter or attempt to pass any forged or altered note purporting to be a note issued in pursuance of this act, knowing such note to be forged or altered, such person or persons shall suffer the pains and penalties now affixed by law for forgery in the first degree : *Provided*, That any note issued under the authority of this act, after being signed, numbered and registered, as required by the act, shall, before being put into circulation, be delivered to the state treasurer, and charged in his office and against him, as so much cash, and accounted for accordingly.

Penalty for forging notes.

To be signed, numbered and registered by treasurer.

APPROVED, February 8, 1861.

No. 10.]

AN ACT

To amend an Act entitled "An Act to loan and appropriate the Three per cent. Fund, and its Interest."

WHEREAS, By an act of the general assembly of the State of Alabama, approved February 18th, 1860, entitled "An act to loan an appropriate the Three per cent Fund, and its interest," certain powers, rights, privileges and donations were conferred upon the Ten-

Preamble.

nessee and Alabama Central Railroad Company, upon certain conditions: AND WHEREAS, The said Tennessee and Alabama Central Railroad Company, have, in legal form, conveyed to the Mountain Railroad Contracting Company, all right, title and interest in and to the said powers, privileges, rights, and donations, and have recommended and consented to the changes and amendments in said act which are hereinafter proposed; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said act entitled "An act to loan

Substitutes
Mountain Rail
Road Contract-
ing Company.

and appropriate the Three per cent. Fund and its interest," be, and the same is hereby amended by striking out the words "Tennessee and Alabama Central Railroad Company," wherever they occur in said act, and inserting in lieu thereof the words, "Mountain Railroad Contracting Company," and the said Mountain Railroad Contracting Company shall thereupon be entitled to all the rights, powers, privileges and donations which are conferred by said act upon the Tennessee and Alabama Central Railroad Company, and be subject to the same duties, liabilities and contingencies as are imposed therein upon the said Tennessee and Alabama Central Railroad Company: *Provided*, That the said Tennessee and Alabama Central Railroad Company, no matter by whom constructed, shall be constructed to some point at or near Montevallo, as indicated in the said act "To loan and appropriate the Three per cent. fund and its interest," approved February 18, 1860, and that all other railroads now constructed, or hereafter to

Road to run to
or near Montevallo.

Right of connection.

be constructed, in this state, shall have the right to connect with the said Tennessee and Alabama Central Railroad, upon the terms and conditions usual in the comity of railroad companies, without any discrimination against or in favor of any one or more of said other railroads over the rest: *Provided further*, that neither the foregoing proviso, nor any act to which this is an amendment, shall operate at all in favor of any railroad company that has not first agreed and bound itself to allow to the Tennessee and Alabama Central Railroad Company, and to the Mountain Railroad Contracting Company aforesaid, all the rights and privileges it may claim under the provisions of this act, and not to make or continue any regulation or discrimination to the

prejudice of said Tennessee and Alabama Central Railroad Company, or the said Mountain Railroad Contracting Company.

APPROVED, February 7, 1861.

No. 11.]

AN ACT

To appropriate and dispose of the Two per cent. Fund now in the Treasury of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Two per cent. Fund now on hand, and in the Treasury of the State, and held in trust for two specified purposes, as declared by act of Congress approved 4th September, 1841, be, and the same is hereby appropriated to the Alabama and Tennessee River Railroad Company, on the terms and conditions herein-after mentioned.

Appropriates to Alabama and Tennessee River Rail Road.

SEC. 2. *Be it further enacted,* That the appropriation hereby made shall be taken in stock in said railroad company in the name of the State of Alabama, in the manner and on the same terms specified in the act of the General Assembly entitled "An act to appropriate the unappropriated part of the Two per cent. Fund, and a portion of the Three per cent. Fund," approved February 4, 1850, and certificates of stock shall be issued to the State in the same manner for the amount drawn as required by said last mentioned act.

Appropriation to be taken in stock by the State.

SEC. 3. *Be it further enacted,* That before obtaining the fund hereby appropriated, said railroad company shall give bond and security, to be approved by the governor, conditioned that the amount received under this act shall be faithfully applied in paying to the state the duties that may be required on the iron rails now in the custom house of the state, at Mobile, which iron has been recently entered in the custom house of the State of Alabama, and also faithfully applied in laying down said iron rails from the present terminus of said road in the direction of Gadsden, in the county of Cherokee.

Company to give bond for faithful application of the fund.

APPROVED, February 7, 1861.

No. 12.]

AN ACT

To authorize an Extension of Sixteenth Section Notes.

All notes over
ten dollars to be
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the trustees of the public school for the several townships of this state be, and they are hereby authorized to extend the time of payment of all notes that are or may become due, for the purchase of school lands in said township, under and according to the provisions of the general law, entitled "An act to renew an act to extend the debts due the Sixteenth Sections," approved February 24, 1860, notwithstanding an extension on said notes was not claimed in six months after maturity, and notwithstanding the said notes may have been placed in the hands of the attorney general for collection, or upon which judgments may have been rendered, provided the said trustees shall deem it safe for said notes to be renewed, and provided parties claiming the benefit of this act shall pay all costs and expenses to secure or enforce the collection of the same: *Provided further,* That the provisions of this act shall not be extended to any note under the sum of ten dollars: *Provided further,* That the transferee of the certificate of purchase in any case shall be entitled to the same privileges of extension as original purchasers, upon the substitution of his note with sufficient securities, to be approved by the trustees and judge of probate.

APPROVED, January 29, 1861.

No. 13.]

AN ACT

To repeal Article Third, Chapter First, Title Second, of the Code of Alabama.

Repeals all priv-
ileges to the
United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Article third, Chapter first, Title second, of the Code of Alabama, from section twenty-one to twenty-three, inclusive, be and the same is hereby repealed.

APPROVED, February 8, 1861.

No. 14.]

AN ACT

To repeal Article 33 of Section 391 of the Code of Alabama, so far as the same relates to taxation on revolving pistols.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That article 33, of section 391, of the Code of Alabama, be and the same is hereby repealed, in so far as the same extends to taxation on revolving pistols. No tax on revolving pistols.

APPROVED, February 8, 1861.

No. 15.]

AN ACT

To repeal, in part, an act entitled an act to regulate the agencies of Insurance Companies not incorporated by the State of Alabama, approved 24th Feb., 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act entitled "An act to regulate the agencies of insurance companies not incorporated by the State of Alabama, approved the 24th February, 1860," as requires the agent or agents of any fire, river, or marine insurance company, incorporated by any foreign government, to deposit with the comptroller of the state the stock or certificate thereof of one or more of the United States to the amount of one hundred thousand dollars, be and the same is hereby repealed. Repeals so much of the act as requires stock or certificates to be deposited with Comptroller.

SEC. 2. *Be it further enacted,* That the 12th section of said act be amended by adding thereto the following proviso, viz: *Provided,* They shall not be held to pay the sum of two hundred dollars, under section 8 of said act, for the benefit of fire companies or fire departments, unless such life insurance and trust companies on taking or proposing to take fire, river, or marine risks. Amendatory.

APPROVED, February 5, 1861.

No. 16.]

AN ACT

To authorize books to be opened at the city of Montgomery for subscriptions to the Capital Stock of the Bank of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Edmund Harrison, John Whiting, William C. Bibb, Thomas H. Watts, and John D. Phelan, be and they are hereby appointed commissioners, with authority to open at the city of Montgomery, at any time within one year from the passage of this act, books for subscription to the capital stock of the Bank of Alabama; and the said commissioners are hereby directed and authorized to proceed to execute such service in the mode and manner, and under the rules and regulations prescribed for the original commissioners in the "Act to incorporate the Bank of Alabama, and for other purposes," approved February 13, 1860, so far as the provisions of said act in this behalf can be made conformable to the object of this act, namely: the opening of books of subscription at the city of Montgomery within one year from the date of this act.

SEC. 2. *Be it further enacted,* That it shall be lawful for the city of Montgomery, or any other corporation created under the authority of this state, to take or subscribe for any number of shares of the capital stock of said Bank of Alabama, which the city of Montgomery is authorized to subscribe for by the existing law; and all laws, or parts of laws, contrary to the provisions of this act, are hereby repealed.

APPROVED, February 8, 1861.

No. 17.]

AN ACT

To regulate the fees of Solicitors in certain State cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, on conviction, upon indictments for the offences herein specified, the solicitor's fees shall be as follows, to-wit: Upon convictions for nuisances in trading and trafficking with slaves, twenty-five dollars; in cases for murder or manslaughter, fifty

Commissioners.

Mode of discharging duties.

Corporations authorized to subscribe for stock.

Solicitor's fees on conviction for trading with slaves twenty-five dollars—murder or manslaughter fifty dollars—capital offence against slaves twenty-five dollars.

dollars; against slaves in any capital offence, twenty-five dollars.

SEC. 2. *And be it further enacted, &c.,* That, for gambling at any of the places mentioned in section 3,243 of the code, where a plea of guilty is interposed, the solicitor's fee shall be reduced to ten dollars. Fee in gambling cases reduced to ten dollars.

APPROVED, February 8, 1861.

No. 18.]

AN ACT

In relation to Guardians of Idiots, Lunatics, and Persons *non compos mentis*.

SECTION 1. *Be it enacted by the Sena'e and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the courts of probate to grant to the guardians of idiots, and persons *non compos mentis*, orders to sell the property of their wards for the purpose of paying the debts of the wards contracted before they were declared incapable of managing their own business; or for their maintenance. Probate courts may grant orders to sell property to pay debts.

SEC. 2. *Be it further enacted,* That the said guardians must pursue the course prescribed by law governing the sales of property by administrators for the payment of debts, in any application made by said guardian under this act; and the same rules, so far as applicable, shall govern the courts of probate, in acting upon the applications of guardians under this act. Sales governed by laws now in force as to administrators.

SEC. 3. *Be it further enacted,* That guardians as aforesaid may be sued at law, upon any contract, tort, default, or miscarriage of the ward made, done, or suffered before the said ward was placed under guardianship, or for necessities furnished to the ward before the appointment of a guardian. Guardian may be sued for debts of ward.

APPROVED, February 8th, 1861.

No. 19.]

AN ACT

To Secure the Rights of Patentees and Authors, and their assignees, in the State of Alabama.

Secures rights held under laws of the United States prior to 11th day of Jan., 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all persons who have heretofore obtained letters patent for any useful art or invention, or improvement thereon, or who have secured the copyright to any map, chart, book or books, print or prints, or their assignees or legal representatives, being citizens of any of the states seceding from the United States, shall have and enjoy the same rights and privileges and securities in such patents and copyrights as they were entitled to under the laws of the United States, in existence prior to the eleventh day of January, 1861.

All judgments, decrees, &c., heretofore obtained, continued in force.

SEC. 2. *Be it further enacted,* That all judgments and decrees of the courts of the United States heretofore rendered in this state, establishing a patent or copyright, and all orders made, and injunctions and other process issued by said courts, are hereby continued in force, and are to be held valid and binding upon all the citizens of this state, to the same extent they were under the laws of the United States prior to the withdrawal of Alabama from the United States.

Laws of the United States continued in force as far as applicable.

SEC. 3. *Be it further enacted,* That the laws of the United States, and the construction of the same by the courts thereof heretofore made, are hereby adopted and continued in force as far as applicable in determining the rights of parties as to patents and copyrights, as named in the 1st section of the act, to the same extent they were prior to the 11th of January, 1861.

Circuit courts invested with powers of the United States courts.

SEC. 4. *Be it further enacted,* That the circuit courts of this state are hereby invested with all the jurisdiction, power and authority, legal and equitable, which was vested in the courts of the United States under the constitution and laws thereof, in the trial of all matters as to patents and copyrights, and that the same rules of court practice and modes of procedure are hereby adopted and continued in force as far as applicable for the trial and government of patent and copyright causes in the said state courts.

Causes, judgments and decrees of dis-

SEC. 5. *Be it further enacted,* That all causes, judgments, decrees, and process of all kinds on the dockets

of the district and circuit courts of the United States in this state, in relation to patents and copyrights, be transferred to the circuit courts of the counties in which said United States courts were respectively held, and that all suits of this kind hereafter brought shall be made returnable to the circuit courts of the counties in which either defendant, if more than one, may reside, and that such causes, judgments, decrees, and process, be there enforced to the same extent they were in the United States courts prior to the withdrawal of Alabama from the United States.

district and circuit courts of United States transfer'd to circuit courts.

SEC. 6. *Be it further enacted*, That all the duties, liabilities, and penalties, which by law now attach to the offices of the clerks of the circuit courts, and sheriffs of the several counties of this state, are hereby declared to be operative and binding on all such officers in this state in the performance of their duties under this act.

Duties of clerks and sheriffs under this act.

SEC. 7. *Be it further enacted*, That the party against whom any judgment or decree, rendered in any suit in this state, involving patents or copyrights, may appeal to the supreme court in the same manner and upon the same terms and conditions that appeals are allowed in other cases.

Right of appeal to the supreme court.

APPROVED, February 8, 1861.

No. 20.]

AN ACT

Supplemental to An Act to establish a Hospital for Insane Persons in Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to a judge of the probate court in the county where he resides; and said judge shall call one respectable physician and other credible witnesses, and fully investigate the facts of the case, and either with, or without the verdict of a jury, at his discretion, shall decide the case as to his insanity and indigence; and if the said judge believe that satisfactory proof has been adduced showing him to be insane, and his estate in-

Proceedings for the admission of indigent persons, not paupers.

sufficient to support him and his family, (or if he has no family, himself,) under the visitation of insanity, on their certificate, authenticated by the seal of the probate court, he shall be admitted into the hospital, and supported there at the expense of the county; the said judge, in such case, shall have requisite power to compel the attendance of witnesses or jurors, and shall file the certificate of the physician, taken under oath, and other papers relating thereto, with a report of the proceedings and decision, and report the fact to the board of county commissioners at their next meeting, whose duty it shall be to raise the money requisite to meet the expenses of support, and as soon thereafter as practicable, pay it to the treasurer of the hospital.

Supported at the expense of the county.

County commissioners to raise the money.

County to pay expenses after six months.

SEC. 2. *And be it further enacted,* That when an insane person, in indigent circumstances, shall have been sent to the hospital by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient, and likely to be benefitted by remaining in the institution, the commissioners of the county of his residence are authorized and required, upon application under oath in his behalf, to raise a sum of money sufficient to defray the expenses of support thereafter, and pay the same to the treasurer of the hospital.

Proceedings for the admission of insane pauper.

SEC. 3. *And be it further enacted,* That, whenever any pauper may be insane, it shall be the duty of the overseer of the poor, in the precinct wherein he resides, to make application in his behalf to the judge of the probate court of the county, and said judge shall call one respectable physician, and fully investigate the facts of the case, and if satisfied after such examination that the disease is of such a nature as may be cured, he may issue an order to such overseer, or other suitable person, requiring him, without delay, to take such insane pauper to the hospital for insane, where he shall be kept and supported at the expense of the county in which is his residence; the judge, in such case, shall have power to compel the attendance of witnesses, and shall file the certificate of the physician, taken under oath, and other papers relating thereto, and a report of the proceeding and decision, and shall report the facts to the board of commissioners, at their next meeting, whose duty it shall be to raise the money requisite to meet the

Supported at the expense of the county.

Duty of judge of probate and commissioners.

expenses of support, and as soon thereafter as practicable, pay it to the treasurer of the hospital.

SEC. 4. *And be it further enacted*, That the judge to whom application shall be made, on behalf of any insane pauper, shall be satisfied upon examination of the case in the manner prescribed in the third section of this supplement, that such insane pauper cannot be provided for by the keeper of the poor of the county, upon which he is chargeable, with comfort and without danger or prejudice to himself and others, the said judge shall order the said pauper to be removed to the hospital for insane, to be kept and supported in the manner specified in the said third section mentioned.

If the pauper cannot be provided for by the keeper of the poor of the county, shall be supported as specified in third section.

SEC. 5. *And be it further enacted*, That in all such cases as are provided for in the first and third sections of this supplement, a copy of the judge's and physician's certificates, as mentioned above, under the official seal of the probate court, shall be sent with the indigent, or pauper, and filed by the superintendent of the hospital. Said certificates shall read, substantially, as follows:

Certificate to be sent.

"I, A. B., judge of the court of probate of the county of _____, and state of Alabama, do hereby report that application has been made to me in behalf of C. D., a resident of said county, alleged to be insane, (and in indigent circumstances, or a pauper, as the case may be,) and pursuant to the act of the legislature, in such cases made and provided, I have called before me Doctor _____, a respectable physician, and other credible witnesses, to-wit, (state their names,) and having examined them and fully investigated the case, and not deeming it necessary to call a jury, I do hereby decide and certify that satisfactory proof has been adduced before me, showing the said C. D. to be an insane person, and that he has not sufficient estate or means to support — under said visitation of insanity. Given under my hand at _____, in the county and state aforesaid, this — day of _____, in the year of our Lord, one thousand eight hundred and sixty —.

Form of certificate of judge of probate.

A. B."

"_____ County, ss. I, E. F., being duly sworn according to law, do certify and declare, that I have examined into the state of health and mental condition of C. D., of the said county of _____, and that I am of opinion he is insane.

Form of physician's certificate.

E. F., Physician."

"Sworn to and subscribed before me, this — day of
—, A. D. 186—, A. B., Judge," &c.

Certificate of
judge of pro-
bate.

"I, A. B., Judge of the Probate Court of —, do hereby certify that the foregoing is a true copy of my report and certificate in the case of —; and also of the certificate of Doctor — thereto appended, as filed in my office.

In witness whereof I have hereunto set my hand and seal of office, at —, this — day of —, A. D., 186—. A. B., Judge."

Patient to be in
bodily clean-
liness and com-
fortably clothed.

SEC. 6. *And be it further enacted*, That the county officers, sending a patient to the hospital, shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided with suitable changes of raiment, as prescribed in the by-laws.

Proceedings in
case of a person
who has escaped
indictment, or
been acquitted
of a criminal
charge on plea of
insanity.

SEC. 7. *And be it farther enacted*, That when a person shall have escaped indictment, or have been a of a criminal charge upon trial, on the ground of insanity, upon the plea pleaded of insanity or otherwise, the court being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the hospital; the county from which he is sent shall defray his expenses while there, and of sending him back, if returned; but the county may recover the amount so paid from his own estate, if he has any, or from any relation or county that would have been bound to provide for and maintain him elsewhere.

County from
which he is sent
to defray ex-
penses; but may
recover the same
from his estate.

Proceedings in
case of a person
in confinement,
or other disabil-
ity.

SEC. 8. *And be it further enacted*, That if any person in confinement under indictment, or for want of bail for good behavior, or for keeping the peace, or appearing as a witness, or in consequence of any summary conviction, or by an order of any justice, or under any other than civil process, shall appear to be insane, the judge of the circuit court of the county, where he is confined, shall institute a careful investigation, call a respectable physician and other credible witnesses, and if he shall deem it necessary, shall call a jury, and for that purpose is fully empowered to compel attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment, and order his safe custody and removal

Judge of circuit
court to institute
investigation.

to the hospital, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge, and the sheriff, whereupon he shall be remanded to prison, and criminal proceedings be resumed, or otherwise discharged; the provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the hospital, shall be equally applicable to similar expenses arising under this section and the one next following.

SEC. 9. *And be it further enacted*, That persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody, and sent to the hospital in the same way as persons charged with crimes.

When restored shall be remanded to prison, and criminal proceedings resumed.

SEC. 10. *And be it further enacted*, That if the judge of probate be dead, or incapable of acting by reason of sickness or otherwise, the same duties hereinbefore required to be performed by him, may be and are hereby required to be performed by one of the commissioners of the county, and his acts in the premises shall have the same validity as the acts of the judge.

In case of death of judge, his duties to be performed by the county commissioners.

SEC. 11. *And be it further enacted*, That all pauper and indigent patients, sent by order of the judge as specified in sections first and third of this supplementary act, are entitled to three years residence in the hospital, unless sooner restored to soundness of mind: *Provided*, That after that period, if, in the opinion of the superintendent, the said patients are not likely to be benefitted by longer residence and treatment in the hospital, and are neither dangerous to the community, nor likely to suffer by removal, the said superintendent is empowered to order the removal of said patients by the commissioners to the poorhouses of the county of which they are resident: *Provided further*, That the commissioners have power to return said patients to the hospital, if their mental condition requires it, after the forms prescribed in the first and third sections of this act have been complied with.

Patients entitled to three years in the hospital.

After three years may be removed to poor house.

May be returned to the hospital by the county commissioners.

SEC. 12. *Be it further enacted*, That the annual salaries of the resident officers and treasurer of the hospital (said salaries not to exceed six thousand dollars for any one year,) together with one-fourth the actual costs of boarding and lodging any indigent and pauper patients who have been received upon the order of any court or judge, (said fourth of the costs of boarding and lodging

Salaries of officers of the hospital.

Salaries paid
quarterly.

not to exceed one dollar a week for any one patient) shall be paid quarterly, on the first days of January, April, July, and October, by draft drawn by the treasurer of the hospital in their favor, countersigned by the president of the board of trustees.

Provision for
clothing and other
expenses.

SEC. 13. *And be it further enacted*, That the clothing and other necessities and contingent expenses, together with the remaining three-fourths of the costs of boarding and lodging a patient who has been sent to the hospital upon the order of any court or judge, shall be paid by the county from which he was sent: the commissioners of said county are authorized and directed to pay to the treasurer of the hospital the bills for such clothing and maintenance, as they shall become due and payable according to the by-laws of the hospital, upon the order of the steward, countersigned by the superintendent; and said commissioners are hereby

County commis-
sioners may levy
additional tax.

empowered and required to levy an additional tax, if necessary, upon the state tax, of their respective counties, for the sole purpose of carrying out the provisions of this act, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual, town, city or county, that is legally liable for the support of such patient to reimburse the amount of said bills with interest from the time of paying the same.

SEC. 14. *And be it further enacted*, That whenever the trustees shall order a patient removed from the hospital to the county whence he came, the commissioners of said county shall pay the actual and reasonable expenses of such removal, as part of the expenses of said county, but if any person, town or city be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county, of such commissioners; if such commissioners neglect or refuse to pay such expenses on demand, the treasurer of the hospital may pay the same with interest and charge the amount to said county; and the commissioners shall levy and raise the amount as other county charges.

Expenses of re-
moving patient
from hospital to
be defrayed by
county.

Discharged pa-
tients must be
suitably clothed.

SEC. 15. *And be it further enacted*, That no patient shall be discharged without suitable clothing, and if it cannot otherwise be obtained the steward shall furnish it; also money not exceeding twenty dollars to defray the expenses until he reaches home.

SEC. 16. *And be it further enacted*, That sections four-

teen, fifteen and sixteen of an act to establish a state hospital for insane persons in Alabama, approved February 6th, A. D. 1852, and all other acts and parts of acts in conflict with this act, be and the same are hereby repealed. Repeal clause.

APPROVED, February 8, 1861.

No. 21.]

AN ACT

To provide for the payment of the members and officers of the General Assembly, and of the delegates and officers of the Convention of the people of Alabama, now in session at Montgomery, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor be, and he is hereby authorized and instructed to contract, on the part of the state, for a loan of not exceeding one hundred thousand dollars, reimbursable in such time and manner, and at such rate of interest, as shall be agreed upon by the contracting parties, and to cause the avails of such loan to be paid over to the state treasurer, who shall give his receipt for the same. Governor to contract a loan to be paid into the treasury.

SEC. 2. *And be it further enacted,* That the said loan of one hundred thousand dollars, when obtained, or so much thereof as shall be necessary, be, and the same is hereby appropriated for the payment of the members and officers of the general assembly, and of the delegates and officers of the convention of the people of Alabama, now in session at Montgomery, and for the payment of the printing and other necessary expenses connected with the present sessions of said bodies, respectively. To be paid to members of the legislature and delegates to the convention, for printing, &c.

No. 22.]

AN ACT

To provide for the payment of members and officers of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Pay of President
and Speaker.

convened, That out of any moneys in the treasury not otherwise appropriated, the comptroller draw his warrant on the treasury in favor of the speaker of the house of representatives and president of the senate, the sum of six dollars each per day, for each day's services during the session.

Senators and
Representatives.

In favor of the senators and representatives each four dollars per day, as aforesaid, and twenty cents per mile for each mile traveled in going to and returning from the seat of government.

Clerk of House
and Secretary of
Senate.

In favor of the principal clerk of the house and principal secretary of the senate, seven dollars per day, as aforesaid.

Engrossing and
assistant clerks,
assistant secre-
tary, and door-
keepers.

In favor of the engrossing clerk of the house, and assistant clerks of the house, and assistant secretary of the senate, and door-keepers of the two houses, six dollars per day each, as aforesaid.

Messengers.

In favor of the messengers of the house, one dollar per day each, as aforesaid.

Principal Secre-
tary and princi-
pal Clerk.

In favor of the principal secretary of the senate, and principal clerk of the house, one hundred and fifty dollars each for the services required by law of them after the adjournment of the general assembly.

Restriction as to
mileage.

SEC. 2. *Be it further enacted*, That nothing herein contained shall be construed to allow senators and representatives elected since the first Monday in August, 1859, more mileage than is provided by the act of 21st February, 1860, entitled an act to amend section 43 of the code.

APPROVED, February 9, 1861.

No. 23.]

AN ACT

To Regulate the Practice of the Supreme Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, when any cause shall be tried in the supreme court of this state, which had, at any former term thereof, been tried and remanded, it shall be the duty of said court in deciding the law of the case, to be governed by what, in the opinion of said court, shall be the law at the time of the delivery of the opinion of the court, without regard to any former ruling of the law in said case, provided there shall be a conflict between the former ruling and the then present opinion of the court.

Cases to be decided according to the law at the time of the decision.

APPROVED, February 8, 1861.

No. 24.]

AN ACT

To Amend Section 1045 of the Code in relation to Free Colored Mariners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1045 of the code be so amended as to add at the end of said section the following: And any such free negro mariner who shall be found performing any labor or service, upon any other vessel than the one to which he shall belong, shall be guilty of a misdemeanor, and may be tried before any justice of the peace in Mobile or Baldwin counties upon warrant issued, and on conviction shall receive one hundred lashes, and the master of the vessel shall pay all costs of such conviction, to be charged to or taken out of the wages of such free negro mariner. And if such labor or service is performed by the consent, connivance or agreement of the master or other officer of the vessel to which such negro mariner may belong, or the master or other officer of the vessel on which such service or labor is done, such master or other officer of either or both of said vessels is guilty of a misdemeanor, and on conviction shall be fined not less than two hundred dollars each.

Amendment of the Code.

Guilty of a misdemeanor for serving on any other vessel than the one to which he belongs.

Master of the vessel to pay all costs.

Master or other officer of vessel liable to indictment and fine of not less than one hundred dollars.

APPROVED, February 8, 1861.

No. 25.]

AN ACT

To Punish Sales of Liquors to Free Negroes and for other purposes.

Fine of five hundred dollars for selling, giving, or delivering to free person of color.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who sells, gives, or delivers to any free person of color, any vinous or spirituous liquors, must, on conviction, be fined not less than five hundred dollars: *Provided,* That the guardian or person in charge of any free negro, when necessary for the personal use of the negro, may give him ardent or vinous liquors.

Penalty for selling or giving liquor to slaves. See Code.

SEC. 2. *Be it further enacted,* That the punishment affixed to offences described in section 3283 of the Code of Alabama, shall be changed so as to make it not less than two and not more than five hundred dollars, or imprisonment in the penitentiary not less than one nor more than five years, at the discretion of the jury trying the case.

Pending prosecutions not affected by this act.

SEC. 3. *Be it further enacted,* That prosecutions now pending for the offences in said section 3283, of the Code of Alabama, shall not be affected in any measure by this act, and that all violations of said section committed before the passage of this act, shall be punished as though this act had not been passed: *Provided,* This act shall not take effect until 1st of May, 1861.

APPROVED, February 8, 1861.

No. 26.]

AN ACT

To amend Section 2813 of the Code of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2813 of the Code of Alabama, be amended by striking out the word "third" in the second line of said section, and inserting in lieu thereof the word "fourth," and after the word "court" in the third line of said section, insert the following: "If a longer term than one week is provided by law for continuance of said court, then the said subpœna should be made returnable to the tenth day of the term thereof,"

any law to the contrary notwithstanding: *Provided*, This act shall not apply to the city court or circuit court of Mobile county.

Does not apply to the City or Circuit Court of Mobile.

APPROVED, February 7, 1861.

No. 27.]

AN ACT

To repeal Section 1155 of the Code and to amend the law in relation to Overseers of Roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 1155 of the Code be and the same is hereby repealed, and the following adopted in lieu thereof: That the judge of probate, with the concurrence of the court of county commissioners, may pass upon the sufficiency of such excuse or resignation of any person for not accepting the appointment of overseer, or of any person who may resign his commission as overseer of any road in their respective counties, and if said judge and county commissioners shall consider said excuse or resignation insufficient, and said overseer shall neglect or refuse to act under his appointment as such overseer, he shall be subject to indictment and fined not less than twenty or more than fifty dollars, if found guilty.

Repeals Section 1155 of the Code.

Judge of probate and commissioners may pass upon sufficiency of excuse or resignation of overseer.

Fine of overseer for contumacy.

APPROVED, February 8, 1861.

No. 28.]

AN ACT

To amend Section 2039 of the Code of Alabama in relation to the Compensation of Guardians.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That guardians for services rendered by them in their office of guardians, shall be compensated in the same manner as executors or administrators are, or would be compensated for the like or similar services.

Compensation to be same as executors or administrators.

APPROVED, February 5, 1861.

No. 29.]

AN ACT

To further secure Subordination among Slaves.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the second section of an act, approved February 5th, 1856, and entitled "An act the more effectually to secure subordination among slaves, by requiring the owner or overseer to reside with them," be amended by striking out the words, "one half of which shall go to the informant."

No part of fine
to go to inform-
ant.

Fine to go into
county treasury.

SEC. 2. *Be it further enacted,* That in all convictions under the said act, approved February 5th, 1856, the whole of the fine shall be paid into the county treasury.

APPROVED, February 8, 1861.

No. 30.]

AN ACT

To regulate the Pay of Witnesses in Criminal Cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in criminal cases, if no bill of indictment is found by the grand jury, or if a bill is found, but the defendant is not convicted and the prosecutor is not taxed with the costs, or if the defendant is convicted and an execution against him is returned "no property found," or if an execution against the prosecutor, where he is taxed with the cost, is returned "no property found," in each of these cases the fees of witnesses, who may be summoned on the part of the state, either before the grand jury or on the trial, shall be paid by the county, in the manner herein specified; and it shall be the duty of the clerk of the circuit court to state on the face of each witness certificate, either at the time of issuing the same, or at any time thereafter, when such certificate is presented to him for that purpose, that the same is a good claim against the county, reciting also the facts which, under the provisions of this act, make it a good claim against the county, and dating and signing the same; and such certificate shall be receivable in payment of debts due the county for fines and forfeitures, or payable by the county treasurer, out of

In certain cases,
county pays wit-
nesses.

Duties of circuit
clerk — endorse-
ment on face of
certificate.

Certificates re-
ceivable in pay-
ment of certain
county dues.

any fines or forfeitures which may be collected by such county.

SEC. 2. *Be it further enacted*, That if the costs in any of the cases provided for by this act, shall be afterwards collected out of the defendant or the prosecutor, it shall be the duty of the clerk to pay over the same to the county treasurer, as a part of the fine and forfeiture fund.

If costs are subsequently collected, must be paid into county treasury.

APPROVED, February 6, 1861.

No. 31.]

AN ACT

To authorize the Courts of County Commissioners to establish Medical Boards in their respective Counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the court of county commissioners in any county of this state, in which no medical board, established by law, now exists, to establish such medical board, composed of not less than three nor more than seven physicians, resident in said county, of good standing; and the medical board thus created shall discharge the same duties, enjoy the same privileges, and incur the same liabilities as medical boards heretofore established by law.

Board to consist of not less than three nor more than seven physicians.

APPROVED January 31, 1861.

No. 32.]

AN ACT

To amend an act entitled "An act to regulate and define the duties and liabilities of Railroad Companies in this State," Approved, February 6th, 1858.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the words "and in no other case" at the end of the third section of said act be stricken out; and the following be inserted in lieu thereof, viz: That whenever any stock or other property is killed or damaged by the locomotive or cars of any railroad in

In suits for damages, burden of proof on railroad

this state, and the owner of such stock or property brings suit to recover the value thereof, or the damage thereto, the burden of proof shall be on said railroad company, on the trial of said suit, to show that the requirements of the first section of said act have been complied with by the said company, its agents or employees: *Provided*, That the proof hereby required shall apply only to the particular place at which the injury was done.

Claims barred if not presented within sixty days

SEC. 2. *Be it further enacted*, That all claims for damages under the provisions of this act shall be forever barred, unless presented in writing, within sixty days after the same shall have accrued, to the president, treasurer, superintendent, or some depot agent of the railroad company sought to be charged, or unless suit shall be brought thereon within said term of sixty days.

SEC. 3. *Be it further enacted*, That the provisions of this act be applicable to all suits of this kind now pending in this state.

APPROVED, January 31, 1861.

No. 33.]

AN ACT

To repeal in part Section 2 of An act regulating Tax on Peddling.

Act of 1860 not to apply to wagons with bacon and other produce.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 2 of "An act to impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama," approved February 24th, 1860, shall not be so construed as to apply to wagons laden with bacon or other provisions.

APPROVED, February 8, 1861.

No. 34.]

AN ACT

To increase the Contingent Fund of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That such sum as shall, together with the

balance now to the credit of the contingent fund, in the state treasury, be sufficient to increase the same to the sum of twenty-five thousand dollars, be and the same is hereby appropriated, to defray the contingent expenses of the state government.

Increases the fund to twenty-five thousand dollars.

APPROVED, February 8, 1861.

No. 35.]

AN ACT

The better to Provide for the Safe Keeping and Security of all Official Bonds which may have been, or may hereafter be approved by the Governor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the governor to cause all official bonds approved by him to be placed in the possession of the comptroller of the state, whose duty it shall be to file and place the said bonds in his iron safe or vault for safe keeping.

Bonds to be kept by the comptroller.

APPROVED, February 8, 1861.

No. 36.]

AN ACT

To repeal an act therein named in relation to the encouragement of Direct Trade.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act to encourage direct trade between the southern states and foreign countries, approved February 25, A. D. 1860, be and the same is hereby repealed. This act to take effect from and after the first day of March next.

Takes effect from 1st March, 1861.

APPROVED, February 8, 1861.

No. 37.]

AN ACT

To authorize the Clerks of the lower Courts to issue Execution for their Costs in Appeal Cases.

Mode of collecting costs in cases taken to supreme court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be lawful for the clerks of the circuit court, registers in chancery, judges of probate, and the clerks of all other inferior courts in this state, when cases have been taken from their respective courts to the supreme court, by appeal or other lawful mode, and been there decided, if the costs accruing in said lower courts for transcripts, or otherwise, be not paid by the parties against whom they were adjudged in the supreme court, to issue executions for such costs, returnable into the court in which the said costs accrued.

Repeal clause,

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

APPROVED, January 29, 1861.

No. 38.]

AN ACT

To regulate the Hunting of Wild Hogs.

Not to hunt or kill hogs without giving notice.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any person to trap or to hunt and kill wild hogs with dog and gun, or either, in any county in this state, without first giving notice to at least three householders living nearest the field, woods or swamp in which the hunt is to be made.

For violation of this act, fine of twenty to fifty dollars.

SEC. 6. *Be it further enacted,* That any person violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty nor more than fifty dollars, at the discretion of the jury trying the case.

Repeal of former act,

SEC. 3. *Be it further enacted,* That an act entitled "An act in relation to hunting wild hogs in the county of Butler," approved, February 21, 1860, be and the same is hereby repealed.

APPROVED, January 31, 1861.

No. 39.]

AN ACT

To repeal in part section 2398 of the Code, so far as the same relates to townships.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2398 of the code, requiring corporations to give security for costs before commencing suit, shall not apply to suits commenced by townships. Section 2398 not to apply to suits by townships.

SEC. 2. *Be it further enacted,* That if any township shall fail to recover in any suit brought by it, the clerk of the court or justice of the peace shall certify the costs to the superintendent of education, who shall pay the costs out of the funds of said township, if any it have. Superintendent of education to pay costs.

APPROVED, January 29, 1861.

No. 40.]

AN ACT

To raise money to provide for the Military Defence of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the State of Alabama is hereby authorized to issue the bonds of the State of Alabama for the amount of two millions of dollars, bearing interest at the rate of eight per centum per annum, with coupons attached, and payable in current coin on the first day of May, A. D. 1871. Amount to be issued.

SEC. 2. *Be it further enacted,* That said bonds may be in such sums, not less than fifty dollars, nor more than five thousand dollars each, as the governor shall think proper; shall be signed by the governor, countersigned by the comptroller of public accounts, and under the great seal of the state. The interest shall be payable annually at the treasury of the state, and the coupons therefor shall be receivable in payment of all public dues, and the principal, at the maturity of the bonds respectively, shall be payable at the office of the treasurer of the state; and the said bonds may be transferred by delivery, and the faith and credit of the State of Alabama is hereby pledged for the payment In what sums. Interest payable annually.

of the interest on said bonds, as the same shall accrue, and the redemption thereof at maturity.

Investments of
trust funds.

SEC. 3. *Be it further enacted*, That all executors, administrators, trustees and guardians, having funds in their hands as such to invest, are hereby authorized to invest the same in the bonds aforesaid, and such investment so made shall be deemed and held a proper discharge of their trusts in that behalf by all the courts of law and equity in this state: *Provided*, That no guardian shall make any investment in said bonds until by an order of the court of probate, granting him letters, he shall be authorized so to do.

How credited.

SEC. 4. *Be it further enacted*, That all bonds purchased under the provisions of the preceding section, shall be credited to the executor, administrator, trustee or guardian, at the amount actually and bona fide paid for any such bond or bonds; and that all bonds so purchased as an investment shall, at the time, be specially endorsed to the executor, administrator, trustee or guardian, purchasing the same in his representative capacity, and he shall make return thereof within ten days to the judge of probate or chancellor having jurisdiction of the particular fund; but such special endorsement shall not bind the person selling for the ultimate payment of said bonds, or any interest thereon.

How bonds to be
sold, and pro-
ceeds disposed
of.

SEC. 5. *Be it further enacted*, That the governor of the State of Alabama shall, from time to time, place said bonds in the market, and sell such an amount as shall be required for the public service; the same at not less than their par value for gold and silver, or its equivalent, and may employ such agent or agents as may be necessary for that purpose, and place the proceeds thereof in the treasury of the state, subject to appropriation by lawful authority for the military defence of the state.

Bonds as stock
for free banking.

SEC. 6. *Be it further enacted*, That bonds issued under the authority of this act may be used as a pledge to secure the redemption of any note or notes issued by any free banking association or institution organized or hereafter to be organized, and put in operation under the laws of this state, to the same extent and in the same manner that such laws now authorize United States stock to be pledged.

Not liable to
taxation.

SEC. 7. *Be it further enacted*, That neither the bonds issued under the authority of this act, nor moneys in-

vested therein, shall be liable to taxation by this state, or by any county, city, or town therein.

SEC. 8. *Be it further enacted*, That the comptroller of the state shall number, register, and keep a correct account of all the bonds issued and disposed of under the provisions of this act.

APPROVED, January 29, 1861.

No. 41.]

AN ACT

Making appropriations for the Military Defence of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be and the same are hereby appropriated to the several departments herein named, for the military defence of the state of Alabama: To the pay department, seven hundred thousand dollars; to the quarter-master's department, seven hundred thousand dollars; to the commissary department, three hundred thousand dollars; to the ordnance department, two hundred thousand dollars; to the medical department, one hundred thousand dollars.

Amounts to the several departments.

SEC. 2. *And be it further enacted*, That no moneys shall be drawn from the treasury under the provisions of this act, except as hereinafter prescribed.

SEC. 3. *And be it further enacted*, That an auditor of the treasury of the state shall be appointed by, and shall hold his office at the pleasure of, the governor, whose duty it shall be—

Auditor appointed.

1. To examine, audit and adjust the accounts of all commissaries, quarter-masters, paymasters, all officers connected with the medical staff, and of all other officers, agents and persons connected with the military department of the state, under any appropriation made by law for, or on account of said department, officers, agents or persons.

Auditor's duty to examine and audit all accounts.

2. To keep an account of all expenditures of public money made for or on account of said military department, as well as all moneys due the state for or on account of said department, and to report to the governor on the first Monday in each month, the balances due

Keep account of expenditures &c.

the State therefrom, stating the account on which the same is due, the person from whom, and the fund or appropriation entitled to the same when paid.

To draw warrants on the treasurer.

3. To draw warrants on the treasurer for the payment of any balance or amount due to any officer, agent or person connected with said military department, in favor of the person authorized to receive the same, stating in such warrant on what account the same is due, out of what appropriation or fund the same is to be paid, and referring to the law making such appropriation, which warrants shall be countersigned by the governor.

To take and file receipts, &c.

4. To take receipts for all warrants he draws, to preserve, file and arrange the same in his office, together with all accounts by him allowed, with the vouchers, papers, and evidence relating to the same.

To preserve copies of letters.

5. To take and preserve copies of all letter written by him or his direction on official business, and to preserve in proper files all letters received on official business.

To prescribe forms, &c.

6. To prescribe, with the approval of the governor, such forms, vouchers, affidavits, or other evidence, as he may deem necessary to the correct and efficient discharge of his duties as required by this act.

How money is to be drawn.

SEC. 4. *And be it further enacted*, That whenever, in the opinion of the governor, it shall be necessary to furnish any officer or agent, connected with the military department, with money out of any fund specially appropriated, he may direct the auditor to draw his warrant on the treasurer, stating therein for what purpose the same is furnished, the person to whom, the amount, and referring to the law making the appropriation, and the warrant when drawn shall state the same facts, shall be countersigned by the governor, and shall be charged to the person in whose favor it is drawn payable.

Appeal to the governor.

SEC. 5. *And be it further enacted*, That should any person be dissatisfied with any decision made by the auditor, he may, in three months thereafter, appeal to the governor, whose decision shall be final.

Failure to apply money a breach of bond.

SEC. 6. *And be it further enacted*, That whenever any warrant shall be drawn under the fourth section of this act, in favor of any officer, the failure to apply the amount received therefrom faithfully, or to pay the same or any balance in his hands to the treasurer upon notice by the governor to him or either of his sureties, shall be a breach of his bond; and if an official bond

has not been given by such officer or person in whose favor any such warrant may be drawn, the governor may in his discretion require, before the delivery of any such warrant, a bond to secure the state for the faithful application of its proceeds, and the repayment of any balance to the treasurer upon notice to him or either of his sureties.

SEC. 7. *And be it further enacted*, That any officer, agent, or other person who has given no bond, and who shall have received any money under the provisions of the fourth section of this act, and their personal representatives, shall be liable for any balance due the state by such officer, agent or person, in the same courts, upon the same notice, and in every respect the same, as if such officer, agent or person, had given bond, and that the certificate of the auditor shall be in all suits under this or the preceding section presumptive evidence of the balance due the state.

Liability where no bond has been given.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Governor, upon default being made by any person under the provisions of this act, to direct the attorney general to commence suit against such person, his sureties, their personal representative, or the personal representative of either of them, and judgment may be obtained for a breach of the bond by motion in the name of the state, in the circuit or county court of Montgomery county, or in any circuit court of any county in which the party against whom the motion is made may reside, upon twenty days' notice against any one or more of the obligors on whom notice is served; and a certified copy of the bond from the office of secretary of state, or other officer having custody of the said bond, shall be presumptive evidence of the execution of the same, and the certificate of the auditor of the amount due by the principal therein, presumptive evidence of the amount due to the state.

Suit against defaulters.

SEC. 9. *And be it further enacted*, That upon all judgments rendered under the provisions of this act, the defendant shall upon execution issued, have the right, on executing a forthcoming bond in double the amount of the execution, with good and sufficient security, to be approved by the sheriff, of staying the execution for thirty days, and if the property described in said bond is not delivered according to the obligation thereof, said bond shall be returned to the office from which execution issued, endorsed "forfeited," which endorsement shall

Defendant may stay execution.

If property is not delivered, execution to issue against principal and securities.

have the force and effect of a judgment, and the clerk shall issue execution against the principal and securities for the amount of the original judgment, endorsing the said execution, that no forthcoming bond shall be taken; upon which execution it shall be the duty of the officer to proceed forthwith to make the money, without delay or taking any other security.

Compensation of Auditor.

SEC. 10. *And be it further enacted*, That the auditor appointed under the provisions of this act, shall receive for compensation the sum of two thousand dollars per annum, and at that rate for the time he may continue in office, payable quarterly, according to the fiscal year; and shall give bond payable to the state of Alabama, in the penal sum of one hundred thousand dollars, conditioned for the faithful performance of the duties of his office during the time of his continuance therein.

Auditor to report to general assembly.

SEC. 11. *And be it further enacted*, That in addition to the duties required of the auditor by the third section of this act, he shall be required to report to each branch of the general assembly, during the second week of each regular session, the amount of money received and distributed during the preceding fiscal year, and on what account, as well as the balances due to the state under this act, from whom and what sources.

May employ clerks.

SEC. 12. *And be it further enacted*, That the auditor may employ one or more clerks, not exceeding three, with the consent, and for such time as the governor may direct. The compensation of each clerk shall not exceed seven hundred and fifty dollars per annum, and at that rate for the time he is employed.

Bonds to be recorded and filed.

SEC. 13. *And be it further enacted*, That all bonds taken under this act, shall be recorded in the secretary of state's office, and filed in the office of the comptroller of public accounts.

APPROVED, February 6, 1861.

No. 42.]

AN ACT

To authorize the Governor to appoint a Military Board.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a military board be, and the same is hereby established in this state, to be composed of three competent persons, to be selected and appointed by the

Board to consist of three persons.

governor, whose duty it shall be to remain at the seat of government, or at head quarters, unless otherwise engaged under the orders and authority of said board, and advise with the governor on all matters connected with the organization of the army and navy of the state, and to counsel and advise with the governor on all matters connected with the employment, management, disposition, disciplining, and control of the army and navy of the state, and generally to aid the governor with their advice and services in reference to all matters connected with the military service of the state.

Duties of the board.

SEC. 2. *Be it further enacted*, That until otherwise provided for by the Confederacy of the seceding states, should one be formed, the said council, under the sanction and authority of the governor, shall have power and authority to cause to be constructed such works of defence for the protection of the coast on the Gulf of Mexico, and the bays, as they may deem necessary for the protection and security of the state, and for the same purpose to strengthen and fortify those already constructed, provided said council shall not exceed the amounts appropriated or to be appropriated at this session for that purpose.

May construct works of defence &c.

SEC. 3. *Be it further enacted*, That in order to carry out fully the objects of the preceding section, the said council, under the direction and sanction of the governor, shall have power to purchase any amount of ordnance, ordnance stores and material of all kinds that may be deemed necessary, not to exceed the appropriations made or to be made for military purposes.

May purchase ordnance and ordnance stores, and material.

SEC. 4. *Be it further enacted*, That said council, under the sanction and authority aforesaid, are authorized and empowered to employ one or more of their own number or any other person or persons for the purpose of procuring arms or munitions of war.

May employ one or more of their own number, or other person or persons, to make purchases.

SEC. 5. *Be it further enacted*, That all amounts heretofore appropriated or that may be hereafter appropriated for ordnance purposes, shall be expended under the direction and control of the governor in accordance with the determination of said council.

Governor and council to dispose of appropriations.

SEC. 6. *Be it further enacted*, That the governor shall, when he thinks proper, preside at said council, and in his absence shall designate some member of the council to preside in his place, and all acts of said council shall be sanctioned by his authority before they be executed.

Governor to preside in council, or designate some member for that purpose.

Tenure of office.

SEC. 7. *Be it further enacted*, That the members of the military board so to be appointed, shall continue to hold their offices until the 1st January, 1862, unless sooner discharged by the governor, and shall receive for their services at the rate of \$1,500 per annum each, for the time they are actually employed.

APPROVED, February 5, 1861.

No. 43.]

AN ACT

To authorize the appointment of Engineers in the Army.

Governor may
appoint chief en-
gineer and assis-
tants.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be and he is hereby authorized to appoint one chief engineer, with the rank of lieutenant colonel, and as many assistant engineers as in his judgment the exigencies of the service may require: *Provided*, That there shall not be more than one assistant, with the rank of major, nor more than two assistants, with the rank of captain.

Pay.

SEC. 2. *Be it further enacted*, That the pay and allowances of engineers appointed in pursuance of this act, shall be the same as that of officers of similar grades in the United States army.

APPROVED, February 8, 1861.

No. 44.]

AN ACT

To promote Military Efficiency and for other Purposes.

The governor to
issue commis-
sions to citizens
who have held
commissions in
the military or
naval service of
the U. S.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the governor be and he is hereby authorized and requested to issue commissions in the name of the State of Alabama, to all citizens of this state who on the 11th day of January held commissions in the military or naval service of the United States, and have resigned or may hereafter resign the same, said commissions so issued by the governor to confer the same rank, pay and emoluments as the commissions said citizens have held or now hold under the authority of the

United States : *Provided*, That the officers so commissioned by the governor shall report themselves ready for immediate duty under the orders of the governor of this state.

SEC. 2. *Be it further enacted*, That the provisions of this act be and the same are hereby extended to Capt. John N. Perkins, late of the United States army, and a citizen of Alabama. Extended to Captain John N. Perkins.

APPROVED, February 9, 1861.

No. 45.]

AN ACT

To compensate certain officers therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever any of the aids-de-camp of the governor shall be ordered on actual duty, they shall be entitled to receive, while on duty, the pay and allowances of colonel of dragoons, and this provision shall apply as well to those who may have already been, as well as to those who may hereafter be, thus ordered on duty. Pay of aid-de-camp same as colonel of dragoons.

APPROVED, February 8, 1861.

No. 46.]

AN ACT

To guard the State from invasion by Sea.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any pilot or branch pilot holding a license under the laws of this state, or any other resident or inhabitant of this state who shall, after the 1st day of February, 1861, conduct any foreign armed vessel into the port, bay or harbor of Mobile, shall be subject to indictment in the city or circuit court of Mobile county, and upon conviction shall be fined not less than one thousand dollars and imprisoned five years in the penitentiary, or shall suffer death, in the discretion of the jury trying the cause: *Provided, however*, That the officer who may be in command of Fort Morgan, under the Pilot or other person shall not conduct armed vessel into Mobile. Penalty. Proviso.

authority of the governor of this state, shall have the power to authorize any licensed pilot to bring or conduct any foreign armed vessel under the guns of said fort, or into the port, bay or harbor of Mobile, whenever such commanding officer may deem it prudent: *And provided further*, That the governor of the state shall have the power to suspend the operation of this section whenever he may deem it advisable.

Officer at Fort Morgan may remove buoys, &c.

SEC. 2. *And be it further enacted*, That the officer in command of Fort Morgan, at the entrance into the bay of Mobile, is hereby authorized, whenever he may think proper, to cause all buoys and beacons in the channel, and as far as practicable all land-marks, that may serve as guides for vessels entering the port of Mobile, to be removed, including the buoy at the outer bar.

Contract for telegraphic line.

SEC. 3. *And be it further enacted*, That the officer in command of Fort Morgan, under the authority of the governor of this state, be and he is hereby authorized to contract for the continuance of a telegraphic line from Point Clear, in Baldwin county, to Mobile Point, and upon the approval of such contract by the governor, said commanding officer shall cause said line to be constructed as speedily as possible, and the cost thereof shall be paid out of the treasury of the state, upon the draft of said commanding officer, if sanctioned by the governor.

Repeal clause.

SEC. 4. *And be it further enacted*, That all laws conflicting with this act be repealed.

APPROVED, January 21, 1861.

No. 47.]

AN ACT

For establishing Rules and Regulations for the government of the Army of the State of Alabama.

Army regulations of United States adopted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the "articles of war," as established by an act of Congress of the United States, approved April 10th, 1806, together with the several amendments and modifications thereof, extracted from various acts of said Congress, and published in the army regulations of 1857, by order of the Hon. Jefferson Davis, Secretary of

War, be and the same are hereby adopted for the government of the army of the State of Alabama, whether regulars or volunteers in active service, with the following alterations and amendments: that is, insert "Governor" in the place of "President" wherever it occurs, and insert "State of Alabama" in the place of "United States" or "United States of America," wherever they occur; insert "Adjutant General" in the place of "Department of War" and "Secretary of War," wherever these terms occur; strike out, in art. 5th, the words "the President of the United States against the Vice President thereof, against the Congress of the United States, or against the Chief Magistrate or Legislature of any of the United States," and substitute in their stead "the Governor of the State of Alabama, the President or Vice President of the Southern Confederacy, should one be formed of which Alabama is a member, against the Congress of such Confederacy, or against the Chief Magistrate or Legislature of any State of such Confederacy." In the 10th article, strike out the form of the oath therein prescribed, and substitute the following: "I, A. B., do solemnly swear or affirm, (as the case may be,) that I will bear true allegiance to the state of Alabama, and, in case a Confederacy is formed, of any seceding states, including said State of Alabama, that I will bear true allegiance to such Confederacy, and that I will serve said state and said Confederacy honestly and faithfully against all their enemies and opposers whatsoever; and will observe and obey the orders of the Chief Executive of said Confederacy, or of the Executive of Alabama, if the same is not formed, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of said Confederacy or said state;" and to art. 100 add these words, which must be understood to include both volunteers and militia, when called into active service, any law, rule or regulation to the contrary notwithstanding.

Alterations and amendments.

Oath of allegiance.

APPROVED, February 8, 1861.

No. 48.]

AN ACT

To make certain provisions for the Volunteers now in service at Pensacola.

Provision for
carrying mail
matter to Pensa-
cola.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whereas the government of the United States has abolished the post office at Pensacola, the governor be and he is hereby authorized to employ as many reliable messengers as may be necessary, at a cost of not more than three dollars each per day, that one may go to and from the cities of Montgomery and Pensacola, by the way of Greenville and Sparta, daily, for the purpose of carrying letters and such packages as the public conveyances in which the messengers may travel will permit them to carry without extra charge, to and from the volunteers now in service at Pensacola.

APPROVED, January 29, 1861.

No. 49.]

AN ACT

To induce Railroad Companies in this State to carry troops and munitions of war for this State free of charge.

Railroads carry-
ing troops and
munitions free,
exempted from
state and county
tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any railroad company in running order and in operation in this state, that will agree in writing, and file the same in the office of comptroller of public accounts, to transport, free of charge, all troops and munitions of war for the defence of the state, shall be released and exempted from all state, county or city taxes imposed by the laws of this state: *Provid-*
ed, That such release or exemption shall not inure or extend to any rail road company over whose road no troops or munitions of war shall be transported: *And provided further,* That the governor shall have the power, at the end of any fiscal year, to suspend the operations and provisions of this act, as to any one or more of said rail road companies.

Roads not so car-
rying as above,
not exempt.

Governor may
suspend this act.

APPROVED, February 7, 1861.

No. 50.]

AN ACT

To authorize the appointment of additional Lieutenants, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor be and he is hereby authorized to appoint, in the regular army, and to cause to be elected in the volunteer service, whenever, in his judgment, the public interest may require it, two second lieutenants to any company, provided there shall not be in any one company more than four commissioned officers.

Appointment and election of second lieutenants.

SEC. 2. *Be it further enacted,* That whenever the governor shall so appoint, or cause to be elected, an additional second lieutenant, that he may, at his discretion, require the said company to be composed of one hundred men, rank and file, and such company shall not consist of less than seventy-five men.

Companies may consist of one hundred and not less than seventy-five men.

SEC. 3. *Be it further enacted,* That the rank of the said second lieutenant shall be fixed by the governor, whenever their commissions bear the same date.

Rank fixed by the governor.

SEC. 4. *And be it further enacted,* That whenever a company is accepted with a less number than seventy-five men, or whenever its rank shall, from any cause, fall materially below that number, the governor may, in his discretion, cause said ranks to be recruited to the requisite standard of men in the regular service.

Governor to cause company to be recruited to proper standard.

SEC. 5. *And be it further enacted,* That as some differences have arisen as to the number of non-commissioned officers to which each company is entitled, and the manner of their appointment, it is hereby declared that there shall be four sergeants and four corporals to each company, to be appointed by the colonel or commanders of the regiments, upon the recommendation of the captain or commander of a company; the orderly to be selected from the sergeants thus appointed.

Number of non-commissioned officers; how appointed.

APPROVED, February 8, 1861.

No. 51.]

AN ACT

To authorize the employment of a clerk in the office of the Adjutant and Inspector General, appointed under the military ordinance of the 19th January, 1861.

Compensation
not to exceed
eight hundred
dollars per an-
num.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the adjutant and inspector general under the ordinance of 19th January, 1861, be authorized, with the consent of the governor, to employ a clerk in his office, at a compensation not exceeding eight hundred dollars per annum, and at that rate for the time employed.

APPROVED, February 8, 1861.

No. 52.]

AN ACT

To accept the aid of certain patriotic citizens.

Governor author-
ized to accept
services of ne-
groes offered by
certain persons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor be and he is hereby authorized to accept, to such extent as he may deem necessary, the proffered services of negro men, tendered by George N. Gilmer, of Tallassee, Tallapoosa county, Joel E. Mathews, of Dallas county, and Alexander Davidson, and his neighbors, of Perry county, and of persons who have made, and may hereafter make, similar offers to aid, as may be necessary, in protecting and defending the state.

Governor to de-
fray traveling
expenses.

SEC. 2. *Be it further enacted,* That during the time said negroes are so employed in the service of the State, and while traveling to and from the place of such service, the governor is authorized to defray all necessary expense of traveling and provisions, out of whatever amount may be or has been appropriated to the military defense of the state.

APPROVED, January 31, 1861.

No. 53.]

AN ACT

To conditionally relieve from military duty certain persons therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever, in the opinion of the governor, the public interest of this state shall require it, he may exempt from military duty any officer or employee of any or all railroads, telegraphic or express companies, or of any or all steamboat or other water craft, while said officer or employee is actually employed as such.

Railroad, telegraph, express, and steamboat men exempt.

APPROVED, January 31, 1861.

No. 54.]

AN ACT

To authorize the Governor to distribute certain arms.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of this state be and he is hereby authorized to furnish any fire companies in the city of Mobile, that have formed or may form themselves into military organizations, with the requisite number of muskets, held by the state at Mount Vernon arsenal, taking proper bonds from the commanders of said companies for the safe keeping and return of said muskets.

Fire companies in Mobile to be furnished with arms.

APPROVED, January 31, 1861.

No. 55.]

AN ACT

To provide for the election of certain militia officers of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of this state shall immediately order elections to fill the offices of major general, brigadier general, and colonel, in the various divisions,

Governor to order certain elections in the militia.

brigades and regiments throughout the State of Alabama, and fix the day on which the same shall be held, and said elections shall be held under the direction of the sheriffs of the respective counties, conducted in the same manner, and returns thereof made as now provided by law.

Brigadier-general to define regiments.

SEC. 2. *Be it further enacted*, That in all cases where there are two or more regiments in the same county, it shall be the duty of the brigadier general in command of such regiments, to define the boundary line between said regiments.

Election of officers of volunteer regiments and companies.

SEC. 3. *Be it further enacted*, That all volunteer regiments and companies, organized under the laws of this state, on giving ten days' notice, shall hold elections for their officers, and report to the governor of the state, except those companies and regiments which have been organized and have re-elected their officers since the passage of the ordinance to re-organize the militia of the state of Alabama, of the 23d day of January, 1861.

APPROVED, February 8, 1861.

No. 56.]

AN ACT

To give greater efficiency to the Military Department of the University of the State of Alabama.

Increases interest on University fund to eight per cent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That "An act entitled An act to amend sections 383 and 384 of the Code of Alabama, fixing the University fund and establishing a military department in said University," approved February 23d, 1860, be, and the same is hereby amended by striking out the word "six" in the last line of said section, and inserting in lieu thereof the word "eight."

University to furnish drill officers when required by the governor, without pay.

SEC. 2. *Be it further enacted*, That it shall be the duty of the president and superintendent of the University of Alabama, or the officer in charge thereof by whatsoever name designated, on the requisition of the governor of the state, to detail a competent officer of said University, to drill and instruct such officers or troops of the State of Alabama, as the governor may designate, not exceeding two months in any one year, at such

place within the state as he may direct, and the officer so detailed shall receive no pay or compensation from the state for such services.

SEC. 3. *Be it further enacted*, That from and after the passage of this act, three pupils from each county of this state, instead of two, as now provided by law, shall be educated at the University, free of all charge for tuition in the same: *Provided*, the rate of interest hereby authorized to be paid on the University fund, shall continue so long only as it may be the policy of the state to continue the military department as a branch of the State University.

Three students from each county to be educated free of charge for tuition.

APPROVED, January 30, 1861.

No. 57.]

AN ACT

To amend an act entitled "An act, to provide for an efficient military organization of the State of Alabama," approved, February 24th, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the words one hundred and fifty, be added after the words "eight thousand" where they occur in the 1st section of an act entitled "An act to provide for an efficient military organization of the State of Alabama," approved, February 24th, 1860.

Increase of number of men.

SEC. 2. *Be it further enacted*, That the figures "one hundred" where they occur after the word "Butler" in same section, be stricken out, and the figures two hundred and fifty inserted in lieu thereof.

Increase in Butler county.

APPROVED, February 5, 1861.

No. 58.]

AN ACT

To amend An act to provide for the military education of two young men from each county in the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act approved February 21st, 1860, en-

Amendatory.

titled an act to provide for the military education of two young men from each county in the State of Alabama, be and the same is hereby amended by striking out the words "such cadet" where they occur in the last line of the sixth section of said act, and insert in lieu thereof the words "the superintendent of the school, who shall account for the same to the parent or guardian of such cadet."

APPROVED, February 8, 1861.

No. 59.]

AN ACT

To fix the times of holding the circuit courts in the fourth judicial circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the circuit courts for the 4th judicial circuit shall be held as follows: In the county of Lawrence on the first Monday in March, and may continue for one week, and on the first Monday in September, and may continue for two weeks. In the county of Lauderdale, on the second Monday in March and the third Monday in September; and for the spring term thereof may continue for two weeks, and for the fall term thereof may continue for one week. In the county of Franklin, on the fourth Mondays in March and September, and may continue for two weeks. In the county of Limestone, on the second Monday after the fourth Monday in March and September, and may continue for one week. In the county of Morgan, on the third Monday after the fourth Monday in March and September, and may continue for one week. In the county of Marion, on the fifth Monday after the fourth Monday in March and September, and may continue for one week.

SEC. 2. *And be it further enacted,* That all laws and parts of laws inconsistent with this act, be and the same are hereby repealed.

SEC. 3. *Be it further enacted,* That this act shall not take effect until after the sixth Monday after the fourth Monday in March next.

APPROVED, February 8, 1861.

Time of holding
court in Law-
rence county.

In Lauderdale
county.

In Franklin
county.

In Limestone
county.

In Morgan coun-
ty.

In Marion coun-
ty.

When this act
goes into effect.

No. 60.]

AN ACT

To regulate the time of holding circuit court in the county of Chambers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled "An act to lay off and divide the state of Alabama into eleven judicial circuits," approved January 25th, 1860, be amended as follows, to-wit: the circuit court for the county of Chambers shall be held on the sixth Monday after the first Monday in March and September of each year.

To be held sixth Monday after first Monday in March and September.

SEC. 2. *Be it further enacted,* That all laws and parts of laws, in conflict with the provisions of this act, are hereby repealed.

APPROVED, February 5, 1861.

No. 61.]

AN ACT

To change the time of holding the circuit court in the county of Marion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the circuit court for the county of Marion shall be held on the fifth Monday after the fourth Monday in March and September, and may continue one week.

On fifth Monday after fourth Monday in March and September.

SEC. 2. *Be it further enacted,* That all executions, writs, subpoenas, and process of every kind, made and returnable to the said circuit court at the time now provided by law, shall be and the same are hereby made returnable to said court at the time prescribed by this act.

Return term.

APPROVED, January 24, 1861.

No. 62.]

AN ACT

To change the time of holding the chancery courts of the 4th and 5th districts of the Southern Chancery Division.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the spring terms, A. D. 1861, of the chancery court for the 4th district, shall be held on the 4th Monday in March; and for the 5th district, on the second Monday in April, instead of at the times now prescribed by law.

Return terms.

SEC. 2. *Be it further enacted,* That all process made returnable to the terms heretofore fixed by law, shall be considered returnable to the terms, and at the times mentioned in the first section of this act.

APPROVED, February 8, 1861.

No. 63.]

AN ACT

To regulate the time of the trial of state cases in the circuit court for the county of Chambers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3573 of the code of Alabama, be so amended as to strike out all after the words "one week" of the second line of said section, and insert in lieu thereof the following, to-wit: The witnesses must be summoned to attend on Monday of the third week, on which day the state docket must be taken up: *Provided,* That this act shall only apply to the county of Chambers; and, *Provided, further,* Said act shall not take effect until after the expiration of the spring term, A. D., 1861, of the circuit court for said county.

State docket taken up third week.

When this act takes effect.

APPROVED, January 31, 1861.

No. 64.]

AN ACT

To fix the compensation of bailiffs in the circuit courts of Pickens, Coosa and other counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the bailiffs, while in attendance on the circuit court and grand juries, in the counties of Coosa, Randolph, Lowndes, Pickens, Russell, Bibb and Chambers, shall be allowed the same pay as now allowed by law to the jurors of the regular panel, in the several counties named in this act, all laws and parts of laws to the contrary notwithstanding.

Allowed same
pay as jurors are
allowed by law.

APPROVED, February 1, 1861.

No. 65.]

AN ACT

To amend an act to create a clerkship in the Comptroller's Office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the words "five hundred," where they occur in the first section of said act, be stricken out, and the words "one thousand" be inserted in lieu thereof; and that the words "on oath," in the third section of said act, be stricken out.

Increases salary
to one thousand
dollars.

APPROVED, February 8, 1861.

No. 66.]

AN ACT

To authorize the Governor to employ two secretaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor be and he is hereby authorized to engage the services of two competent clerks or secretaries in his office, for the remainder of the present year, at the rate of seven hundred and fifty dollars per annum for each, payable quarterly: *Provided* he shall have the right to discontinue the services of one

Salary \$750 per
annum.

or both of said secretaries or clerks, whenever their services may be no longer needed.

APPROVED, January 19, 1861.

No. 67.]

AN ACT

To authorize the employment of a Clerk in the State Treasurer's office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the state treasurer be, and he is hereby authorized to employ a clerk in his office for such time as may be found by him necessary, and for which service such clerk shall receive as compensation a sum not exceeding seven hundred and fifty dollars per annum, to be paid quarterly, as other salaries, on the certificate of the treasurer of the correctness of the account, and on the warrant of the comptroller of public accounts.

Salary not to exceed \$750.

Salary of secretary of state.

SEC. 2. *Be it further enacted,* That the annual salary of the secretary of state shall, from the passage of this act, be sixteen hundred dollars, payable quarterly.

APPROVED, February 9, 1861.

No. 68.]

AN ACT

For the better preservation of the Capitol Building from fire.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one thousand dollars is hereby appropriated, out of any funds not otherwise appropriated, for the purpose of building two cisterns near the capitol, to be used in case of fire, and the work shall be done under the direction of the governor, and the money drawn from the treasury on his order: *Provided,* The governor shall take bond and security for the completion and faithful construction of said cisterns: *And provided further,* That the cost of the construction

One thousand dollars to build two cisterns near the capitol.

Bond and security to be given.

of said cisterns shall not exceed the said sum of one thousand dollars hereby appropriated.

APPROVED, February 8, 1861.

No. 69.]

AN ACT

Declaring Five Runs a Public Highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the river known by the name of Five Runs, from its terminus to Bass' bridge, in the county of Covington, be and the same is hereby declared a public highway.

APPROVED, February 8, 1861.

No. 70.]

AN ACT

To authorize the appointment of a Branch Pilot for certain waters running into the Bay of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 901 of the Code of Alabama be so amended that the commissioners of pilotage of the bay and harbor of Mobile shall have power to grant a license to some person to act as a branch pilot for the waters running from Fort Stoddard, where the same leaves the Mobile river, to Mobile Point.

Pilot from Fort
Stoddard to Mo-
bile Point.

APPROVED, February 8, 1861.

No. 71.]

AN ACT

To amend "An act to prohibit the sale of intoxicating liquors within certain limits in Limestone county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act approved February 6, 1860, entitled "An act to prohibit the sale of intoxicating liquors within certain limits in Limestone county," be, and the

Physician or
druggist not to
sell except for
certain purposes.

same is hereby amended, by adding thereto the following section: SEC. 4. *Be it further enacted*, That it shall not be lawful for any physician or licensed druggist mentioned in the first section of this act, except for medicinal or sacramental use, to sell, exchange or barter away for money, or other valuable consideration, any vinous, spirituous, or intoxicating liquors; and if any physician or druggist shall violate the provisions of this section, he shall, on conviction, suffer the penalty prescribed in the first section of this act.

APPROVED, February 1, 1861.

No. 72.]

AN ACT

To prohibit the sale of Spirituous or Intoxicating Liquors, within one mile of Dublin, in Perry county, and Spring Hill Academy or Spring Hill Church, in Pickens county.

Sale prohibited
within one mile,
except for medi-
cal or mechan-
ical purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall not be lawful for any person or persons to sell, or offer for sale, spirituous or intoxicating liquors, except for medicinal or mechanical purposes, within one mile of Dublin, in Perry county, or within one mile of Spring Hill academy or Spring Hill church, in Pickens county.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons so offending, shall be subject to indictment, and upon conviction thereof, shall be fined not less than fifty dollars for each and every such offence.

APPROVED, January 29, 1861.

No. 73.]

AN ACT

To prevent the sale of spirituous or intoxicating liquors within three miles of Moore's Bridge Post Office, in the county of Tuscaloosa, and Dublin Academy, in Bibb county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, ^{Sale prohibited within one mile.} it shall not be lawful for any person or persons to sell, or offer for sale, spirituous or intoxicating liquors, except for medicinal purposes, within three miles of Moore's Bridge Post Office, in precinct number three, in the county of Tuscaloosa, and Dublin academy, in Bibb county.

SEC. 2. *And be it further enacted,* That any person ^{Penalty.} so offending, shall be subject to indictment, and upon conviction, shall be fined not less than the fine for re-tailing without a license in this state.

APPROVED, January 25, 1861.

No. 74.]

AN ACT

To prohibit any person or persons from giving away, selling, or offering for sale, any vinous or spirituous liquors, within three miles of Limeville Baptist church, in Shelby county, or within one mile of Hamburg, in Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for any person or ^{Sale prohibited within three miles.} persons to give, sell, or offer for sale, any vinous or spirituous liquors within three miles of Limeville Baptist church, in the county of Shelby, or within one mile of the centre of the village of Hamburg, in the county of Perry, except for medical and mechanical purposes.

SEC. 2. *And be it further enacted,* That any person ^{Penalty.} or persons violating the provisions of the first section of this act shall be liable to indictment, and upon conviction thereof, shall be fined not less than fifty, nor

more than five hundred dollars, by the court trying the cause.

APPROVED, February 8, 1861.

No. 75.]

AN ACT

To prevent the sale of Spirituous Liquors within two miles of Spring Hill College, in the county of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, vend, exchange or barter away, or in any manner dispose of, or give away any spirituous, vinous or other intoxicating liquors of any kind whatever, in any quantity, large or small, within the distance of two miles of Spring Hill College, in Mobile county.

Sale prohibited
within two miles

Violation a mis-
demeanor—fine
not less than
\$200.

SEC. 2. *Be it further enacted,* That if any person or persons so violating the provisions of this act, he or they so offending shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than two hundred dollars for each offence, one half of the fine to go to the use of the informant, and the other half to the county treasury of Mobile county.

License shall not
be granted to sell
liquors within
two miles of the
college.

SEC. 3. *Be it further enacted,* That it shall be unlawful, after the passage of this act, for the court of probate of said county of Mobile to grant any license to any person or persons to sell, barter, or exchange any spirituous or intoxicating liquors within two miles of said Spring Hill College, as provided for in this act: *Provided,* Nothing herein contained shall be so construed as to prevent physicians from administering spirituous or vinous liquors to their patients when they may deem it necessary.

APPROVED, February 5, 1861.

No. 76.]

AN ACT

To loan arms and accoutrements to E. M. and J. A. Law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State is hereby authorized to loan to E. M. and J. A. Law, (teachers of a military school,) or either of them, as many suitable arms and accoutrements, not exceeding one hundred, as may be required by their school, and one piece of ordnance, upon such bond and security for the safe keeping and return of said arms as shall be required by the governor, provided said arms can be spared without detriment to the state.

Arms lent for the use of a school.

Bond and security to be given.

APPROVED, February 8, 1861.

No. 77.]

AN ACT

To change the lines between the counties of Shelby and Jefferson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the line dividing the counties of Jefferson and Shelby be so changed as to leave the Shades mountains at the narrows; thence following the west branch of the Little Shades to or opposite the Dow Weir place, including said place in Jefferson county; thence to the head of Camp branch, and down said branch to the Columbiana road; thence down said road to Matthew Patton's, including him in said county of Jefferson; thence to Elias Glenn's, including him in said county; thence west to the old line on the Shades mountain.

Boundary line defined.

SEC. 2. *Be it further enacted,* That Wm. P. Hickman, Wm. S. Earnest, and Daniel Watkins, of Jefferson, and Gains Acton and Ebenezer Byrum, be appointed to run out and mark said line: *Provided,* That the county of Jefferson shall pay said commissioners for running out said line.

Commissioners to run the line.

Jefferson county to pay expenses.

APPROVED, February 8, 1861.

No. 78.]

AN ACT

To repeal an act approved December 3d, 1857.

Act to district
St. Clair county
repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act approved December 3d, 1857, entitled an act to lay off St. Clair county into commissioners' districts, and for other purposes, be and the same is hereby repealed, so far as the said act relates to the county of St. Clair.

APPROVED, January 21, 1861.

No. 79.]

AN ACT

To repeal an act therein named, relating to public roads in Marengo county.

Repeals the act
of February 10,
1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An act to repeal and amend the road laws so far as they are applicable to certain townships east of Tombecbee river, and lying in Marengo county," approved February 10th, 1860, be and the same is hereby repealed.

Former road
laws declared
of force.

SEC. 2. *And be it further enacted,* That the road laws in force at the date of the act of the 10th February, 1860, and applicable to the several townships specified in same act, be and the same are hereby revived and declared to be in force, as if said act of the 10th February, 1860, had not passed.

APPROVED, January 21, 1861.

No. 80.]

AN ACT

To repeal an act therein named, relating to Steam Mills in Jackson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to authorize the owners of steam grist mills in the county of Jackson,

Repeal of act of
1860.

to take the sixth as toll for grinding," approved February 18th, 1860, be and the same is hereby repealed.

APPROVED, January 25, 1861.

No. 81.]

AN ACT

To repeal in part an act approved February 24th, 1860, to amend Section 499 of the Code, as far as Lauderdale and Coosa counties are concerned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the probate judge of Coosa county shall be entitled to receive the same compensation, *per diem*, as is allowed each member of the court of county commissioners, in an act entitled an act to amend section 499 of the Code of Alabama, and approved February 18th, 1860, any law to the contrary notwithstanding.

Probate judge of Coosa county to receive same *per diem* as commissioner.

APPROVED, January 30, 1861.

No. 82.]

AN ACT

To amend an act for the preservation of game in the county of Sumter.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the 1st section of an act entitled an act for the preservation of game in the county of Sumter, approved January 25th, 1860, be and the same is hereby amended by inserting the word "Shelby" after the word "Sumter."

Preservation of game in Shelby.

APPROVED, January 25, 1861.

No. 83.]

AN ACT

To amend an act incorporating Clintonville Academy,
in Coffee county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any trustee of said academy who shall fail to attend the regular meetings of said board of trustees for three successive meetings, without satisfactory cause shown to said board for such absence, said board of trustees shall declare the seat of such absent member vacant, and proceed to fill such vacancy by electing a new member.

APPROVED, February 1, 1861.

No. 84.]

AN ACT

To amend an act therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act for the relief of George Johnson and James Johnson, children of Joseph A. Johnson and Lucy Johnson, approved February 2, 1850, be and is hereby so amended as to apply to all the children of the said Joseph A. Johnson and his wife, Lucy Johnson.

APPROVED, February 1, 1861.

No. 85.]

AN ACT

To empower the Governor to appoint persons residing anywhere within the corporate limits of the city of Wetumpka, to act as Notaries Public for the county of Coosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That after the passage of this act, the governor be and is hereby empowered to appoint persons residing anywhere within the corporate limits of the city of Wetumpka, to act as notaries public for the county of Coosa.

Three months
absence of trustee vacates his
seat.

Persons of Indian descent admitted to privileges of citizens.
(See amended act.)

Persons residing anywhere in Wetumpka may be appointed for Coosa county.

SEC. 2. *Be it further enacted*, That the persons so appointed shall give bond to the probate judge of Coosa county, in the same amount as that now required of notaries public appointed under the general laws of the state. To give bond to probate judge of Coosa.

SEC. 3. *Be it further enacted*, That the said notaries public, so appointed under this act, shall have the same powers and in all respects be governed by the same law that now governs notaries public in this state. Usual powers conferred.

APPROVED, February 6, 1861.

No. 86.]

AN ACT

To compensate William S. Gray for apprehending a person therein named, charged with a felony.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller of public accounts be, and he is hereby required to draw his warrant on the treasurer in favor of Wm. S. Gray for the sum of forty dollars, for arresting John C. Thompson, charged with the murder of David C. Warhurst, and summoning a guard and delivering the prisoner to the proper authorities. Forty dollars allowed.

APPROVED, February 1, 1861.

No. 87.]

AN ACT

To authorize John Cocke, administrator of the estate of Wm. F. Cheney, deceased, to make complete payment for certain lands therein named, and a patent to issue therefor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful for John Cocke, administrator of the estate of Wm. F. Cheney, late of Marengo county, deceased, to make complete payment of the purchase money due from him, as administrator of said estate, for the north-east quarter, and all that fractional portion of the north-west quarter ly- The administrator may make payment for certain lands.

On payment of money into state treasury, patent shall issue.

Disposition of proceeds of sale.

ing east of the Tombeckbee river, and the south-west quarter, and the south-east quarter of section sixteen, of township seventeen, of range one, east, in Marengo county, purchased by the said administrator for the benefit of the estate of said William F. Cheney, under the authority of a decree of the probate court of Marengo county; and upon the payment by said administrator, into the state treasury, of the full amount of his notes given in the purchase of said lands, with interest due thereon up to the day of payment, a patent shall issue to the distributees of said estate, as ascertained and certified to by the judge of probate of Marengo county.

SEC. 2. *Be it further enacted*, That the proceeds of the sale of said lands, when paid into the treasury, shall be invested or disposed of as now provided by law in regard to funds arising from sixteenth section.

APPROVED, January 29, 1861.

No. 88.]

AN ACT

To enable the guardian of Francis M. Brown to remove the guardianship of his said ward to Macon county.

Judge of probate of Montgomery to make copy of acts of guardianship.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of probate of the county of Montgomery be and he is hereby required to cause one copy to be made and duly certified, of all the acts and doings of record in said county of Montgomery, respecting the guardianship of the estate of Francis M. Brown, a minor, and deliver the same to Benjamin Thompson, who is the guardian of said ward.

Probate judge of Macon county to make record and to take jurisdiction.

SEC. 2. *Be it further enacted*, That so soon as the said exemplification shall be delivered over to the judge of probate of the county of Macon, the same shall be recorded by the said judge of probate of Macon county, in the proper books of his office, and it shall be full authority for the said judge of probate of Macon county to proceed with the business of the guardianship of said estate in all matters as if the guardianship had commenced in his court.

SEC. 3. *Be it further enacted*, That from and after said exemplification is filed and recorded in Macon county, as aforesaid, the guardianship shall close and determine at the said county of Montgomery: *Provided, always*, That all expenses that now are or may be due in the county of Montgomery, connected with the said guardianship, shall be paid by the said guardian on receiving said exemplification from the said judge of probate of Montgomery county: *Provided*, That before this act shall become operative, the sureties of said guardian shall file in the offices of each of said counties their assent in writing to the provisions of this act, and to the removal of said guardianship, or the said guardian shall give a new guardian's bond, to be approved by judge of Macon county."

Close of guardianship in Montgomery.

All expenses in Montgomery to be paid.

Assent of sureties required.

APPROVED, February 8, 1861.

No. 89.]

AN ACT

To authorize a removal of the Administration of the estate of Thomas J. Walker, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John M. McClanahan, as the judge of the probate court for the county of Shelby, be and he is hereby authorized and empowered, to grant and make an order transferring and removing the administration of the estate of Thomas J. Walker, deceased, from the probate court of said county of Shelby to the probate court of the county of Ashley, in the State of Arkansas, upon the production of a transcript of the record of the probate court of said county of Ashley, certified by the judge of said court under the seal of the same, showing the appointment of an administrator upon said estate, the execution of a good and sufficient bond in double the value of said estate with sureties to be approved by the judge of the probate court of said county of Ashley.

Removal of administration from Shelby county, Ala., to Ashley county, Arkansas.

SEC. 2. *Be it further enacted*, That upon the granting and making the order provided for in the preceding section, the administrator appointed by the probate court for the county of Ashley, in the State of Arkansas, be and he is hereby authorized and empowered, to

When order is granted, the property may be removed.

remove from the county of Shelby to Ashley county in the State of Arkansas, the property belonging to said estate of Thomas J. Walker, deceased.

Duties required
of the probate
judge of Ashley
county, Ark.

SEC. 3. *Be it further enacted*, That upon the granting of the order provided for in the first section of this act, it shall be the duty of the judge of probate for the county of Shelby, to make a full and complete transcript from the records of said court, of everything appertaining to the administration of the estate of the said Thomas J. Walker, deceased, by him, under the seal of said court, and forward the same to the judge of the probate court for the county of Ashley, state of Arkansas.

APPROVED, February 8, 1861.

No. 90.]

AN ACT

To remove the Administration of the estate of Thomas Green, from the county of Winston to the county of Lawrence in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the administration of the estate of Thomas Green, deceased, be and the same is hereby removed from Winston to Lawrence county in this state.

Removed from
Winston to Law-
rence county.

Probate judge of
Lawrence to take
jurisdiction.

SEC. 2. *Be it further enacted*, That the court of probate for the said county shall take jurisdiction of said administration, and that the administrator of said estate shall be required to give bond and account and make settlement with the said court of probate as required by law in other cases: "*Provided*, That the sureties of the said administrator shall first file their assent in writing to the provisions of this act, in the probate court of Winston and Lawrence county."

Assent of sure-
ties required.

APPROVED, February 8, 1861.

No. 91.]

AN ACT

To give the Judge of Probate of Dallas county, jurisdiction over the estate of Robert Craig, deceased, late of Sumter county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever James D. Craig, administrator, with the will annexed of Robert Craig, late of Sumter county, deceased, shall have made a settlement in the probate court of Sumter county, of his administration of said estate as far as he shall have administered the same, and shall have paid the costs accrued in said court, it shall be the duty of the probate judge of Sumter county, upon the application of said administrator, to transmit to the probate court of Dallas county the original papers on file in his office pertaining to said estate, and a certified copy of all orders, entries and decrees on the minutes of his court; and thereupon the probate court of Dallas county shall have as full and complete jurisdiction of said estate, as though said decedent had died resident citizen of said county of Dallas: *Provided,* That before this act shall take effect, the sureties on the official bond of said administrator shall file their written assent to the provisions of this act, in the probate courts of Dallas and Sumter counties, or in default of such assent a new bond be given by said administrator, to be approved by the probate judge of Dallas county.

Duties required of administrator before the removal—to make settlement and pay costs.

Duties of judge of probate of Dallas county.

Assent of sureties required.

APPROVED, January 29, 1861.

No. 92.]

AN ACT

To authorize Benjamin H. Micon to settle his accounts as Guardian in the Probate Court of Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate court of Montgomery county shall have authority and jurisdiction to settle the accounts of Benjamin H. Micon, as guardian of Clara E. Micou, and that any proceedings had or done in

Proceedings in Tallapoosa county transferred to Montgomery co.

relation to such guardianship in the probate court of Tallapoosa county may be transferred to the probate court of Montgomery county, by filing in said court a duly certified transcript of such proceedings.

New bond to be taken of the guardian.

SEC. 2. *Be it further enacted*, That said probate court of Montgomery county shall not take jurisdiction of said matters of guardianship until the said Benjamin H. Micou shall file new bonds as guardian, to be taken and approved by the judge of probate of Montgomery county, and filed in the office of said judge.

APPROVED, February 8, 1861.

No. 93.]

AN ACT

To authorize the Commissioners' Court of Coosa county to issue Bonds of said county, for the relief of the suffering citizens of said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an election shall be held in the county of Coosa on the first Monday of March next, by the legally qualified electors of said county, for the purpose of deciding whether they are in favor of issuing the bonds hereinafter mentioned. Said election shall be governed in all respects by the laws now in force governing the election of sheriffs, clerks, &c., and those in favor of issuing the bonds shall deposit a vote, on which shall be written, or printed, "In favor of issuing bonds," and those opposed, "Opposed to issuing bonds."

Issue of bonds to be determined by election.

Election to be conducted as elections for sheriff, &c.

If the issue is authorized, commissioners may issue bonds not to exceed in amount \$50,000.

Coupons.

Coupons receivable in payment of county dues.

SEC. 2. *Be it further enacted*, That in the event said election should result in favor of issuing said bonds, the commissioners' court of said county may issue the bonds of the said county for such amount as they may think best for the interest of the county, not to exceed fifty thousand dollars, having not more than five years to run, with the proper coupons attached, for the payment of the interest thereon, at eight per centum per annum, at the office of the county treasurer of said county, at the end of each year from the time of the sale of said bonds, respectively; and the coupons shall be received in payment of county dues, and shall be numbered to correspond with their respective bonds.

SEC. 3. *Be it further enacted*, That said commissioners' court shall lay a tax at the same term of the court at which they decide to issue bonds, for the special purpose of providing a fund to meet said bonds at their maturity; and said fund so raised shall be liable, first, to make good the amount of interest due on said bonds, at the end of each year, by paying whatever amount the county has taken up in the payment of county dues, and to the holders of the coupons. Said bonds shall be numbered from No. 1 up to the last one issued, and may be in such sums as the said court shall think proper, and the surplus, over and above what may be necessary to meet the yearly interest on said bonds, may be put at interest with any person or persons resident in said county, who will give a note with at least two good securities, for such time as said court may think proper, not inconsistent with the objects of this act; and the court aforesaid shall provide, in the body of said bonds, for the right to call them in at any time they think proper, by paying the principal and interest then due.

Special tax to raise funds to meet bonds, &c.

Bonds to be for such sums as the court may direct.

Bonds may be called in at the discretion of the court.

SEC. 4. *Be it further enacted*, That the bonds issued by said court, under the provisions of this act, may be sold by said court, at any sum they can get, not less than par, and the proceeds shall be used by said court in the manner hereinafter provided, and in no other manner; and the money arising from the sale of them shall be paid into the county treasurer's hands, and he and his securities on his official bond shall be responsible for the safe-keeping and payment of the same.

Bonds not to be sold at less than par.

Money to be paid to county treasurer.

SEC. 5. *Be it further enacted*, That said commissioners' court shall appoint three suitable persons in each beat, to act as trustees, whose duty it shall be to loan such portion of the proceeds of said bonds as said court may allot to each beat, to each head of a family, who will give note and two good securities, in sums not to exceed one hundred dollars, having not longer than the first day of January, 1862, to run: *Provided*, The person applying for said loan shall first satisfy said trustees that said loan is necessary to enable him or her to purchase provisions, to carry on his or her business for the year 1861.

Trustees to be appointed in each beat, to loan proceeds of bonds to heads of families.

SEC. 6. *Be it further enacted*, That the trustees aforesaid shall be required to investigate the condition of any indigent people in their respective beats, and report the

Money to be donated to indigent persons.

same to the commissioners' court of said county; and thereupon said court shall award to such indigent persons, out of any money not otherwise appropriated, in the county treasury, or any money realized by the sale of the bonds aforesaid, such sums as, in their judgment, may be necessary for his or her support, until the first day of September, 1861; and said trustee shall be entitled to such compensation for their services, under this act, as said court may think proper to allow them.

Compensation of trustees.

No property exempt from sale under this act.

Notes payable to county treasurer—his duty to collect them.

Judge of probate to keep record of bonds issued and notes taken.

SEC. 7. *Be it further enacted*, That the person for whom, or whose benefit, any money is obtained under this act, shall be the first signer of the note, and all his or her property shall be liable for the payment of said note, without any exemption under the homestead law, or poor debtors law, of this state, and the notes shall be made payable to the person who is county treasurer of Coosa county for the time being, and to his successors in office, and shall be collected by him as soon as practicable after the same falls due, and the proceeds paid into the county treasury, and applied to the payment of said bonds and interest, as soon as collected.

SEC. 8. *Be it further enacted*, That the judge of probate for said county of Coosa, shall keep a complete record of the bonds issued under this act, showing the amount of each, and to whom sold; the notes taken on account of moneys loaned under this act, showing the names of the makers, dates, and amounts; and he shall also keep a full and complete record in said book of all that is done under the provisions of this act, by said commissioners' court.

APPROVED, February 8, 1861.

No. 94.]

AN ACT

To authorize the Commissioners' Court of the Counties of Bibb and Perry to provide relief in certain cases.

Commissioners' court to purchase provisions for the destitute.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That until the first day of September next, the courts of county commissioners of the counties of Bibb and Perry in this state, are hereby empowered to contract for and purchase whatever food and provisions

may be necessary, up to said date, to relieve and sustain the destitute in their counties, who are unable to provide the same for themselves.

SEC. 2. *Be it further enacted*, That in order to raise the funds to carry into effect the foregoing section, in counties where other means are not at command, said courts of county commissioners are further empowered to issue bonds, signed by the members of said courts respectively, (or by so many of them as favor the exercise of the powers in this act conferred,) attested by the seal of the probate court of the county, which shall bear interest at the rate of eight per cent. per annum, payable semi-annually, for which coupons shall be issued, signed and attested, as aforesaid, which bonds shall mature at a period or periods of time not exceeding three years from date, and shall be sold under the direction of said court, on such terms as they in their discretion may deem best.

Bonds may be issued to raise funds.

Bonds bear interest of 8 per cent. per annum.

Maturity of bonds—time of

SEC. 3. *Be it further enacted*, That said courts of county commissioners may levy in their respective counties, such taxes as they may deem proper, not exceeding the amount of the state tax, to raise revenues to pay off said bonds and coupons, and the said bonds and coupons shall be a lien on the taxes levied for such purpose, and all other county purposes, and on all county property, until the same are paid off and discharged.

Special tax—not to exceed state tax.

SEC. 4. *Be it further enacted*, That to secure to persons entitled thereto the benefits of this act, it shall be the duty of said courts to appoint as many respectable citizens of the several counties as may be necessary, who, without pecuniary reward, shall diligently inquire into the condition of the destitute in their said counties, and from time to time report, in such manner as said courts may direct, the result of their investigations, and said courts shall furnish such relief in food and provisions as they may deem proper, and shall appoint all necessary agents to make the purchases above provided for, and to carry into full and complete effect the true intent and meaning of this act.

Mode of distributing food and provisions.

SEC. 5. *And be it further enacted*, That the commissioners of said courts shall be the judges of the necessity and propriety of granting relief in all cases under the provisions of this act; and they may order the repayment of the moneys expended by them in all cases they may deem proper, and provide therefor by taking

Commissioners to be the judges of necessity of granting relief, and provide for repayment.

note or notes, with or without security, payable to their respective counties, at such times as they may direct; and said notes shall be the property of their several counties, and collectable by suit in their names before any court having jurisdiction.

APPROVED February 9, 1861.

No. 95.]

AN ACT

To aid the Alabama and Florida Railroad Company.

Governor authorized to loan the road \$30,000.

Company to give satisfactory note with 8 per cent. interest.

Company under obligation to complete road by 1st June next.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the state of Alabama is hereby authorized to loan to the Alabama and Florida Railroad Company the sum of thirty thousand dollars: *Provided,* That said company shall, before receiving said money, execute their note, with satisfactory personal security, for the return of the same; said note to be made payable three years after date, bearing eight per cent. interest, the interest to be paid annually: *And provided further,* That said company shall execute an additional obligation to complete said road, so as to have the same in running order between Montgomery and the Florida line, by the first day of June, eighteen hundred and sixty-one, said obligation to be conditioned to return the money to the state, if said road is not completed by the time specified.

APPROVED, February 8, 1861.

No. 96.]

AN ACT

To postpone the lien of the State of Alabama on the Tennessee and Coosa Railroad.

Written assent of securities and execution of a mortgage by the company, necessary to secure the benefits of this act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever the Tennessee and Coosa Railroad Company, and each and every one of the securities upon the bonds of said company, now made or hereafter to be made, according to the provisions of the act of the general assembly of the state of Alabama ap-

proved February 17, 1854, entitled "An act to aid the Tennessee and Coosa Railroad Company," shall file with the comptroller of the state their written assent, in proper legal form, to the provisions of this act; and whenever, moreover, (2) the said Tennessee and Coosa Railroad Company execute, in proper legal form, a mortgage deed upon the iron rails, rolling stock, and equipment which the said company has or thereafter may have, and file the same with the comptroller of the state, it is hereby made the duty of the governor of the State of Alabama to notify said company that the lien in favor of the State of Alabama, on the said Tennessee and Coosa Railroad, created by virtue of the several mortgages given and to be given by the said company, in pursuance of the aforesaid act of the general assembly, approved February 17, 1854, and also the lien of the state, created by the mortgage of the iron rails, rolling stock and equipments, as provided to be given in this act, are waived and postponed in favor of the holders and purchasers of the bonds of said company dated the first day of November, 1860, for one thousand dollars each, and not exceeding four hundred in number: *Provided*, That nothing in this act shall be so construed as to discharge or release said railroad or its rails, rolling stock and equipments from the lien of said mortgages, except in favor of the holders or purchasers of said last mentioned bonds.

Lien waived in favor of bondholders.

Company and its properly not discharged from present liabilities except in favor of holders of certain bonds.

APPROVED, February 2, 1861.

No. 97.]

AN ACT

To confer upon the Intendent of the town of Rockford the powers of a Justice of the Peace.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the intendent of the town of Rockford shall have all the rights and powers which are by law conferred upon justices of the peace; and that any or all laws heretofore passed creating the office of a justice of the peace for the town of Rockford be and the same are hereby repealed.

Substitutes the intendent for justice of the peace.

APPROVED, February 8, 1861.

No. 98.]

AN ACT

To repeal An act to render more efficient the system of Free Public Schools in the State of Alabama, so far as it relates to the county of Baldwin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sections seven and eight of an act to render more efficient the system of free public schools in the State of Alabama, approved February 24th, 1860, be and the same is hereby repealed, so far as it relates to the county of Baldwin.

APPROVED, February 8, 1861.

No. 99.]

AN ACT

To compensate jurors of Coroners' Inquests in Dale county.

The jurors allowed five dollars each for each verdict in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that jurors of coroners' inquests be, and they are hereby allowed for each verdict rendered in cases where the bodies of dead persons have to be disinterred, or in cases where said bodies have not been interred but which are in an advanced state of decomposition, the sum of five dollars each for every verdict so rendered.

Paid under same law as other jurors.

SEC. 2. *Be it further enacted,* That the payment of services rendered as specified in the first section of this act, be subject to and governed in all respects by the law now in force in relation to the payment of other jurors.

Repeal clause.

SEC. 3. *Be it further enacted,* That all laws and parts of laws militating against the provisions of this act be and the same are hereby repealed: *Provided,* This act shall only apply to Dale county.

APPROVED, February 5, 1861.

No. 100.]

AN ACT

To authorize John S. Moragne to erect a dam across Big Wills Creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John S. Moragne, his heirs and assigns, be and he is hereby authorized to erect and continue permanently a dam across Big Wills creek at or near a place known as Oren M. Sanson's fish trap, in section thirty-four, (34) township eleven, (11) range five, (5) in DeKalb county, now owned by the said John S. Moragne for the purpose of propelling such machinery as he may deem proper to establish thereon: *Provided,* The said dam shall not exceed six feet in height, and shall be used in good faith for the purpose of propelling such machinery.

Authorizes a dam for manufacturing purposes.

Dam not to exceed six feet in height.

APPROVED, February 8, 1861.

No. 101.]

AN ACT

To reinstate Section 496 of the Code of Alabama, so far as the same relates to Winston county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act approved 23d day of February, 1860, repealing section 496 of the Code of Alabama, so far as relates to the county of Winston, be and the same is hereby repealed, and that said section 496 of the Code be and the same is hereby reinstated and made applicable to said county.

Allows tax collector six dollars for each hundred miles traveled to seat of government. (See Code)

APPROVED, February 5, 1861.

No. 102.]

AN ACT

To prevent the destruction of fish in Tennessee river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any person to take fish by means

Fish not to be taken with net or seine.

of any seine or net in the Tennessee river, or in any tributary of the same, within one quarter of a mile of the point where such tributary empties into the said river.

For violation, a fine of one hundred dollars.

Rights of people of Lauderdale not affected by this act.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the foregoing section shall be held guilty of a misdemeanor, and on conviction, shall be fined one hundred dollars for each violation: *Provided*, That nothing herein contained shall be so construed as to prevent the citizens of Lauderdale county from the exercise of all the privileges they now enjoy in taking fish on the Lauderdale side of the Tennessee river, or in any of the tributaries of said river flowing through said county of Lauderdale.

APPROVED, February 6, 1861.

No. 103.]

AN ACT

To authorize the owners of Steam Grist Mills in the county of Sumter to take the sixth as toll for grinding.

One-sixth taken as toll.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the owners of steam grist mills in the county of Sumter to take the sixth as toll for grinding.

Liabilities same as imposed by law upon other mills.

SEC. 2. *Be it further enacted*, That the owner of any steam grist mill in said county taking the benefit of this act, shall be liable to all the pains and penalties imposed by law upon the owners of public grist mills in the State of Alabama.

APPROVED, January 25, 1861.

No. 104.]

AN ACT

To change the name of the "Andrew Jackson Guards," of Tallapoosa county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of the "Andrew Jackson Guards"

of Tallapoosa county, be changed to that of the "Tallapoosa Rifle Company," and by that name may hereafter sue and be sued, and do and perform all acts authorized under the act of incorporation, approved February 21st, 1860, entitled An act to incorporate sundry volunteer companies.

Changed to "Tallapoosa Rifle Company."

APPROVED, February 5, 1861.

No. 105.]

AN ACT

To compensate William Skinner and J. S. Clark.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller be and he is hereby required to draw his warrant upon the treasurer for two hundred dollars, in favor of William Skinner and James S. Clark, as a reasonable compensation to them for the prosecution of the murderer of Benj. Rollins to conviction and the penitentiary: *Provided,* That the said sum shall be paid out of the money escheated to the state of Alabama: *Provided,* That the parties named in this act shall first give bond, in the sum of two hundred dollars each, to be approved by the comptroller, conditioned to save the state harmless against the claims of heirs or distributees.

Pay for prosecuting a murderer.

Parties to give bond.

APPROVED, February 8, 1861.

No. 106.]

AN ACT

To establish a Medical Board in St. Clair County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Doctors W. H. Benson, A. W. Nixon, T. L. Hammond, Levi Lloyd, R. Freeman, and Q. Acton, they and their associates and successors in office, are hereby constituted a board of physicians for the county of St. Clair, to be known as the St. Clair County Medical Board, and they or a majority of them are authorized to elect such officer or officers as they may deem necessary to a proper discharge of the duties of said

Members of the board.

Officers—powers of the board.

corporation; and a majority of said board shall constitute a quorum, who shall have power to fill vacancies, caused by death, resignation or otherwise, or discharge any and all other business incumbent on said board as in law provided for.

Time and place
of meeting.

SEC. 2. *Be it further enacted*, That said board shall meet at Ashville, in said county, on the first Monday in April next, and at such other times as they may desire, having the power to regulate their meetings to suit their own convenience, and the president of said board shall have power to call extra meetings when necessary.

Jurisdiction.

SEC. 3. *Be it further enacted*, That the jurisdiction of said medical board, in the exercise of its privileges and duties, shall extend over the county of St. Clair, and license granted shall be good and valid in all parts of the state.

Who shall be al-
lowed to practice

SEC. 4. *Be it further enacted*, That no person shall be allowed to practice medicine or surgery in said county unless he be licensed by said board, or unless such is at this time a practicing physician, or a graduate of some respectable college, or has a license from some medical board in this state.

Not to affect bot-
anical physicians

SEC. 5. *Be it further enacted*, That nothing in this act shall be so construed as to affect those who may practice the botanical system as now regulated by law.

APPROVED, January 29, 1861.

No. 107.]

AN ACT

To authorize Talbot Adams and Andrew Lyon to construct Gates across the Vienna and Cooksville Road in Pickens county, and to amend Section 1177 of the Code.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Talbot Adams and Andrew Lyon, of Pickens county, be authorized to put up two gates across the public road leading from Vienna, Alabama, to Cooksville, Mississippi: *Provided*, Said gates shall always be kept in good repair, and be so constructed as to be easily opened.

Gates to be kept
in repair.

SEC. 2. *Be it further enacted*, That section eleven hundred and seventy-seven (1177) of the Code be amended by striking therefrom after the word "land" in the second line thereof, the words "on any navigable stream, or stream declared by law to be a public highway."

APPROVED, January 29th, 1861.

No. 108.]

AN ACT

The more effectually to secure Subordination among Slaves in the County of Shelby.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, no number of slaves exceeding one shall be permitted to live or reside on any lands, tenements, or plantation in the county of Shelby, unless some free white person, as owner, overseer, or agent, resides on the place with them.

No slaves but one allowed to reside on any place without a white person.

SEC. 2. *Be it further enacted*, That any owner of slaves violating the provisions of the first section of this act, for three months consecutively, shall be liable to indictment, and upon conviction, shall be fined one hundred dollars, and all cost of suit, which fine shall be paid into the county treasury.

One hundred dollars fine for violation.

APPROVED, January 30, 1861.

No. 109.]

AN ACT

To compensate jurors upon Coroners' Inquests in the counties of Chambers, Russell, Montgomery and Autauga.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, jurors summoned upon coroners' inquests, according to chapter 1, title 3, part 4, of the Code of Alabama, be allowed the same pay, *per diem*, and per mileage, as jurors in the circuit court of the county where said inquest is held.

Allowed same pay as jurors in circuit courts.

Code amended.

SEC. 2. *Be it further enacted*, The compensation of said jurors shall be paid according to section 3483 of the code of Alabama, except the word coroner shall be substituted in the place of clerk, where the same occurs in said section: *Provided*, That this act shall apply only to the counties of Chambers, Russell, Montgomery and Autauga.

APPROVED, January 30, 1861.

No. 110.]

AN ACT

To increase the pay of Grand and Petit Jurors for the county of Dale.

Allowed two dollars per day, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That grand and petit jurors, in the county of Dale, shall hereafter receive two dollars each per day, also the mileage and ferriage now allowed by law, all laws to the contrary notwithstanding.

APPROVED, January 31, 1861.

No. 111.]

AN ACT

To pay for the hire of servants for the General Assembly and the Convention.

Allowance for servant hire.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the secretary of state be allowed the sum of one hundred and sixty-five dollars, to pay for servant hire for the present session of the general assembly and of the late convention of the people of Alabama; and that the comptroller of public accounts is hereby authorized and required to draw his warrant on the state treasurer for the above amount, in favor of the secretary of state.

APPROVED, February 9, 1861.

No. 112.]

AN ACT

To compensate White, Pfister & Co. for stationery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be ^{Seven hundred} and he is hereby required to draw his warrant upon the ^{dollars appropriated.} treasurer of the state, in behalf of White, Pfister & Co., for the sum of seven hundred dollars, for stationery.

APPROVED, February 9, 1861.

No. 113.]

AN ACT

To pay W. B. & A. R. Bell & Co. an account.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of six hundred sixty-eight and ^{Pay for fuel, &c.} 60-100 dollars be and is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay W. B. & A. R. Bell & Co. the said sum, for articles furnished for the capitol, and shall be drawn from the treasury on the order of the comptroller.

APPROVED, February 9, 1861.

No. 114.]

AN ACT

To incorporate the Eufaula Marine and Fire Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be established in the city of Eufaula a company for the purpose of transacting the business of marine, inland and general insurance, which company shall be known by the name of the "Eufaula Marine and Fire Insurance Company," and all such persons as shall be stockholders of said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answer-

^{Character of the company—name.}

ed unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and cases whatsoever, and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, they and their successors, by the name and title of the "Eufaula Marine and Fire Insurance Company," shall be, in law, capable of purchasing, holding and conveying all kinds of estate whatsoever, real and personal, for the use of said corporation, subject to the restrictions hereinafter named; and the said company is also authorized to discount notes, drafts, or bills of exchange, either foreign or domestic, and receive from any free person or persons deposits on trust, and to accept all such trusts as may be confided to it; to borrow money and issue its bonds therefor; to invest its money or other property in anything and in any manner which it would be lawful for a citizen of this state to invest money; and the said property or securities to sell and transfer at pleasure, or it may loan its money or other property to any person or persons, on any security which it may think proper; that the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the sum to three hundred thousand dollars, whenever the board of directors deem it expedient, divided into shares of one hundred dollars each, ten dollars on each share to be paid at the time of subscribing, and the remainder in such instalments as the directors may appoint: *Provided, however,* That the first board of directors, to be chosen as hereinafter directed, shall, within one month after their appointment, take good and sufficient security for the payment of the said remaining amount of stock unpaid at the time of subscribing, as aforesaid, whenever it shall be deemed expedient to call for the same.

SEC. 2. *Be it further enacted,* That it shall be lawful for the president and directors of said company, or a majority of them, to alter and change the securities as aforesaid, from time to time, for securities of the same nature, as they may deem expedient.

SEC. 3. *Be it further enacted,* That the subscriptions shall be opened in the city of Eufaula, for the said shares, between the first of March and October next, and the first day thereafter, under the superintendence of Edward B. Young, E. D. Laney, L. F.

Johnson, C. R. Woods, John W. Clark, James T. Kendall, Colan Gardner, William T. Simpson and G. L. Allen, or any three of them, which said subscription shall continue open until fifty thousand dollars be subscribed, but no share or shares shall entitle the holder to vote at any election unless the same shall have been held *bona fide* by him, or her, at least fifteen days next immediately before such election.

SEC. 4. *Be it further enacted*, That there shall be chosen seven directors, who shall hold their office for one year, and until their successors shall have been duly qualified, which directors, at the time of their election, and during their continuance in office, shall be holders in their own right of at least ten shares, and shall be elected annually after the first election, at the office of the said company, or any other convenient place in the city of Eufaula, and at such time of day as the president of the company shall appoint, of which election notice shall be given in a newspaper published in the city of Eufaula, or by notice to the stockholders respectively in writing, at least five days next before said election, and said election shall be by ballot, and in person or by proxy, and each stockholder shall be entitled, for every share, to one vote; that if no election takes place on any such day, the president may order the same from time to time until the election be effected, provided the same be done within ninety days thereafter.

Seven directors:
term of office, &c.

Directors elected
annually.

Notice of elec-
tion: how given.

Each share enti-
tled to one vote.

SEC. 5. *Be it further enacted*, That the directors of said company, in the first instance, shall be chosen in the following manner, viz: As soon as fifty thousand dollars shall have been subscribed, the said Edward B. Young, C. B. Laney, L. F. Johnson, C. R. Woods, John W. Clark, James T. Kendall, Colan Gardner, William T. Simpson and G. L. Allen, or any three of them, shall appoint a place in the city of Eufaula for the proceeding to the election of the seven directors, and shall give at least five days' notice of the same, in a newspaper published in said city, or by writing as aforesaid to the stockholders respectively, and it shall be lawful for said election to be then and there holden by the subscribing stockholders, by ballot, under the superintendence of the before-mentioned persons, or any three of them, and the persons then and there chosen shall be the first directors, and shall serve for one year, and until their successors shall be qualified; that they shall meet as

How first direc-
tors shall be cho-
sen.

The president.

soon as convenient after their election, and choose out of their own body a president, who shall serve until another board, by election, be qualified, and in case of vacancy, the directors shall choose another of their own body in the like manner, and in case of vacancy in the board, the remaining members shall have power to fill the same.

Directors to make by-laws, rules and regulations.

SEC. 6. *Be it further enacted*, That the directors, or a majority of them, shall have power to make, prescribe and alter such by-laws, rules and regulations, as shall appear to them needful and proper for the management and disposition of its stock, property, estate and effects: *Provided*, They shall not be repugnant to the constitution and laws of the state.

General insurance powers.

SEC. 7. *Be it further enacted*, That the president and two directors, or three directors in the absence of the president, shall have full power and authority, on behalf of the corporation, to make general insurances on vessels, steamboats, keel and flat boats, or craft of every kind, buildings, freight, cotton, gin-houses, and all goods, wares and merchandise, and to fix premiums for the same; also, to transact all such matters as appertain to an insurance company; and all policies by them made, subscribed to by the president, or two directors, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, in like manner and with like force as if under the seal of said corporation.

Failure to give security forfeits payment.

SEC. 8. *Be it further enacted*, That no insurance shall be made until the securities provided for by this act shall have been given, and if within fifty days after subscribing any stockholder shall neglect to furnish such security for the stock remaining unpaid on each share, he or she shall forfeit his first payment.

SEC. 9. *Be it further enacted*, That all contracts for the payment of money by the said corporation, shall be under the seal of the same, and shall be taken to operate as specialities of law.

Charter to continue fifteen years.

SEC. 10. *Be it further enacted*, That this act shall continue and be in force for and during fifteen years from the day on which it shall be approved by the governor.

Deposits not liable for debts of company.

SEC. 11. *Be it further enacted*, That this corporation may receive deposits, which deposits shall not be liable for any debt of the corporation.

SEC. 12. *Be it further enacted*, That the capital stock

and property of said company shall at all times be liable to the same rate of taxation as the property of individuals or like corporations in this state.

Stock and property liable to taxation.

SEC. 13. *Be it further enacted*, That all bonds, bills, and promissory notes, made payable at the office of the Eufaula Insurance Company, shall have the same legal effect, and be subject to the same legal remedies, as if the same were made payable in or at a bank, or banks, of this state: *Provided*, That the General Assembly may, at any time hereafter, alter, modify, or repeal this charter: *And provided further*, That nothing contained in this act shall be construed as conferring upon said company banking powers or privileges: *And provided further*, That no bank note or bill, issued or made by any bank created or established by the authority of any of our sister states, or of any foreign country, shall be paid out under any circumstances by the company created by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created.

Legality of bonds, bills, &c.

Restrictions.

APPROVED, February 9, 1861.

No. 115.]

AN ACT

To incorporate the Eufaula Home Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Edward B. Young, William T. Simpson, John W. Clark, Clayton R. Woods, Charles D. Laney, John McNab, A. Stow, N. M. Hyatt, J. G. L. Martin, and their associates, be and they are hereby constituted a body corporate, under the name and style of "The Eufaula Home Insurance Company," and by that name shall be capable of suing and being sued in all the courts of this State; of purchasing, holding and conveying property of all descriptions; of making and using a common seal, and generally of doing any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and constitution of this state.

Incorporators.

Name of company and its powers.

SEC. 2. *Be it further enacted*, That the capital stock of this corporation shall be not less than fifty thousand dollars, nor more than two hundred thousand dollars, to be divided into shares of one hundred dollars each,

Amount of capital stock; shares one hundred dollars.

Payments.

and the same to be paid in the manner following: Ten dollars on each share at the time of subscribing, and the residue when the president and directors of the corporation may direct; the said stock shall be deemed and held as personal property, and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the president and directors, and such stockholder shall be liable for the balance due by him as stockholder to the corporation as it becomes due, and may be sued therefor in the circuit court of Barbour county.

Opening subscriptions.

SEC. 3. *Be it further enacted*, That notice shall be given for two successive weeks by advertisement published in two of the newspapers of Barbour county, of the time and place, when and where, subscriptions will be received for stock in said company. Said subscription shall be opened under the inspection and control of Edward B. Young, John McNab and William T. Simpson; the books shall be kept open for five days, and no person shall be allowed to subscribe for more than fifty shares in one day. If at the end of the five days more than two hundred thousand dollars have been subscribed, the subscriptions shall be scaled until the amount is reduced to that sum. If less than fifty thousand dollars have been subscribed, the managers shall give notice as in the first instance, and may keep the books open till the sum of fifty thousand dollars has been subscribed.

Election of board of directors.

SEC. 4. *Be it further enacted*, That a board of directors to consist of five persons, each one of whom shall own stock to the amount of two thousand dollars, who shall hold their office for one year, shall be elected by ballot by the stockholders, voting in person or by proxy, after notice by advertisement for two successive weeks in two of the newspapers published in Barbour county, stating the time and place of holding the election. The notice herein provided shall be given, and the election shall be held under the superintendence of Edward B. Young, John McNab and William T. Simpson, or any two of them, and subsequent elections to be held under the direction of persons appointed by the board of directors.

Each share entitled to one vote.

In the elections, and in all meetings of the stockholders for the transaction of business, each stockholder shall be entitled to one vote for each share of the capital stock which he may hold.

SEC. 5. *Be it further enacted*, That the board of directors shall have power to elect one of their number president of the company, and to pass such by-laws as may be necessary for the government of the company. The president.

SEC. 6. *Be it further enacted*, That the said incorporation shall have power and be authorized to make general insurance upon horses, stables, gin-houses, cotton, corn and other produce; upon lives and health of both white persons and slaves; upon live stock of every description; upon vessels, boats, freights, money, goods, wares and merchandize and any other species of property, against loss in any manner by fire, dangers of the sea, rivers or otherwise, at such rates of premium as they may agree, and to transact all such matters as appertain to an insurance company. Upon what insurance may be made.

SEC. 7. *Be it further enacted*, That this charter and all the privileges and powers herein granted shall continue in force for the full term of ten years from the subscription of the stock; and that the property, funds and business transactions of the company shall be subject to the same rate of taxation imposed by law on the property and similar business transactions of other insurance companies chartered by the state. Charter to hold for ten years. Property and business subject to taxation.

SEC. 8. *Be it further enacted*, That all public laws now in force, or which may hereafter be passed prohibiting or regulating agencies for foreign banks, or in relation to the circulation of the issues of foreign banks or companies as money, shall operate upon and apply to the corporation hereby created; and that said insurance company shall not act as the agent of any bank or other company incorporated by or located in another state, in carrying on the business of banking in this state, and shall not borrow or obtain from any such bank or company, either directly or indirectly, any bank notes, money or credit, or pay out the same in this state, or in anywise use the same in lending, or discounting notes or bills, or in dealing in exchange: *And provided further*, That nothing contained in this act shall be construed as conferring upon said company banking powers or privileges: *And provided further*, That no bank note or bill issued or made by any bank created or established by the authority of any of our sister states or of any foreign country shall be paid out under any circumstances by the company created by this act, or by any of Laws as to agencies of foreign banks. Company shall not act as agent of foreign banks; shall not borrow money or use bills or notes of such banks in any manner. Shall not have banking powers. Further restrictions.

its officers or agents under the penalty of forfeiture of the charter by this act created.

Statement of
condition of com-
pany to be made
and published.

SEC. 9. *Be it further enacted*, That the president or secretary of said company must on the second Monday in January in each year, make out, under oath, a statement of the condition of said company, showing the amount and character of its assets and also of its liabilities on the first day of January in the same year, and shall publish said statement so verified in some newspaper of general circulation published in the city of Eufaula, and upon failing to comply herewith, the charter of said company shall be and the same is hereby forfeited.

Liability of
stockholders.

SEC. 10. *Be it further enacted*, That the stockholders shall be liable and responsible for the amount of their stock and no more.

APPROVED, February 8, 1861.

No. 116.]

AN ACT

To incorporate the Woodville Insurance Company.

Incorporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Richard A. Solomon, Wm. T. Robinson and William Wood, and such others as hereafter may become associated with them for that purpose, and their successors, are hereby declared and created a body politic and corporate, by the name of the "Woodville Insurance Company" and by that name shall be capable in law of suing and being sued, in any of the courts of law and equity in the state, as a natural person. They shall have power to purchase, hold and enjoy real and personal estate of any description whatever, and may dispose of the same at pleasure, and shall have power generally to do and perform any and every act necessary to be done to carry into effect the object of this charter not inconsistent with the laws of this state, may have and use a common seal, and may alter the same.

Name of com-
pany—its powers.

Amount of capi-
tal stock—how
paid.

SEC. 2. *Be it further enacted*, That the capital of said corporation shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, the same to be paid in the manner following: ten dollars

on each share at the time of subscribing, and the balance in such sums and at such times as the president and directors may determine upon and require, which capital stock may hereafter be increased to any sum not exceeding one hundred thousand dollars, the same to be determined by a resolution of the president and directors. The said stock shall be deemed personal property, and if any stockholder shall and refuse to make the payments as required of him by the president and directors, such stockholder shall be liable to his or her unpaid stock, and may be sued for the same in the courts of Henry county whether such defaulting stockholder resides in said county or not, and the said stock may, by resolution of the president and directors, belonging to such delinquent stockholder, be sold, in which event the portion previously paid in shall be forfeited to the corporation.

Stock deemed
personal prop-
erty.

SEC. 3. *Be it further enacted*, That the books of subscription shall be opened at any time prior to the first day of March, 1862, at such place in the town of Woodville as a majority of the persons named in the first section of this charter may determine, and shall be kept open until the sum of twenty-five thousand dollars shall be subscribed; and the said persons or a majority of them shall as soon as the said sum of twenty-five thousand dollars is subscribed, call a meeting of the stockholders, who shall proceed to the election of not less than three or more than seven directors, as may be determined upon by them, and the said board of directors shall proceed to elect one of their own body president; and the said president and directors shall have full power and authority to appoint and remove at pleasure all officers and agents of said corporation, to fix their compensation, prescribe their duties, and provide for taking of bonds of officers for the protection and security of said corporation; they shall have power to fill all vacancies which may occur in their own body of an unexpired term, shall appoint a president *pro tem.* when the president is absent, and such appointments become necessary, and should the president be from the meeting of the board for two months without leave at any time, the board of directors shall have power to declare his office vacant, and may make a new election under such rules as they may see fit to adopt.

Opening of books
of subscription.

Number of di-
rectors; their du-
ties and powers.

Elections : by
whom made.

SEC. 4. *Be it further enacted*, That the directors shall be elected by the stockholders, and the president by the directors, from among their own number, and when elected shall hold their office one year from the date of such election and until their successors are elected ; and it shall be the duty of the president and directors to call an annual meeting of the stockholders to make such election, and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum, and each stockholder shall be allowed one vote for each share of stock he holds ; and the stock may be represented either by the stockholder himself or by proxy, and the power to vote for an absent stockholder may be conferred by any written expression of such desire : *Provided*, That no one shall act as proxy who is not himself a stockholder.

Each share entitled to a vote.

General insurance powers.

SEC. 5. *Be it further enacted*, That the said corporation shall have power to make insurance upon steamboats, and all other river boats and boxes ; on all goods, wares and merchandise, slave, money and other property, against all marine or river risks ; and upon houses, stores and other buildings, goods, wares and merchandise of every description, against fires, and to fix a premium thereon, and may make insurance upon the same.

Transfer of stock.

SEC. 6. *Be it further enacted*, That the president and directors of said corporation shall have power to fix the mode of the transfer of the certificates of stock, as well as the time, mode and place of the payment of interest and dividend, and a majority of the board of directors shall constitute a quorum. The said corporation shall have power to pass all such by-laws, rules and regulations as may be necessary and proper to carry into effect the provisions of this charter and to carry on the business of said corporation, provided the same are consistent with the provisions of this charter and with the laws and constitution of this state ; and the said corporation shall have power to make all such contracts and bargains by the president and directors or by such agent as they may appoint, as may seem to them most for the interest of said corporation.

By-laws, &c.

General powers ; may appoint agents, borrow money, make investments, &c.

SEC. 7. *Be it further enacted*, That the president and directors may by resolution or by-laws create all officers and agents of said corporation, not herein specially provided for, and may prescribe their duties ; they shall

have power to prescribe an oath which each officer shall take and subscribe; lives of persons, fixing a rate of insurance thereon; to receive from a free person or persons or from any corporation deposits on trust, and to accept all such trusts or agencies within the scope of its business as may be confided to it. It shall have power to borrow money and issue its bonds therefor, to invest its money in any thing and in any manner which would be lawful for a citizen to invest money or property in, and the said property and securities to sell and transfer at pleasure. It may loan its money or property to any person or persons or corporation on any security it may think proper. The said corporation shall have power to purchase, discount and sell bills of exchange and promissory notes, to receive and deposit, and for collection promissory notes and bills of exchange, and may charge for such collections such per cent. as is usual in similar chartered insurance offices or private banking houses: *Provided*, That the said corporation shall not make or issue any bills, bonds, notes or other securities to circulate in the community as money: *And provided further*, That said corporation shall be subject to the laws of this state against usury.

Shall not furnish a circulating medium.

SEC. 8. *Be it further enacted*, That the said corporation shall be liable to its creditors to the full extent of its property and assets, and the several stockholders shall be liable to the creditors of the corporation to the extent of their stock subscribed and paid in.

Liability of company and stockholders.

SEC. 9. *Be it further enacted*, That this charter and all the powers and privileges herein contained and granted shall remain in full force for the period of fifteen years from the date of its approval.

Chartered for fifteen years.

SEC. 10. *Be it further enacted*, That all bills, bonds, notes or other securities, made payable in or at the office of said corporation, shall be subject to the same rules of law and to the same legal remedies as if payable in or at one of the chartered banks of this state: *Provided*, That the General Assembly may at any time hereafter, alter, modify, or repeal this charter: *And provided further*, That nothing contained in this act shall be construed as conferring upon said company banking powers or privileges: *And provided further*, That no bank note or bill issued or made by any bank created or established by the authority of any of our sister states or of any foreign country shall be paid out under any circumstances by

Legality of bonds, &c.

Restrictions.

the company created by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created.

APPROVED, February 9, 1861.

No. 117.]

AN ACT

To incorporate a Steam Fire Engine Company in Mobile.

Incorporators.

May hold property; amount; general powers.

Number of members.

Duties.

Members exempt from militia duty, road tax, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That David P. Reid, W. Barnewell, jr., A. J. Mullany, J. F. Woodhull, J. St. J. Cummins, John O. Cummins, jr., T. T. Tyree, Thos. S. King and associates be and are hereby incorporated by the name and style of the "Exempt Steam Fire Company," of the city of Mobile, and by that name and style they are hereby authorized and empowered to sue and be sued, to plead and be impleaded, to have, hold, occupy, possess and enjoy goods and chattels, lands and tenements, of the value of fifty thousand dollars, to adopt a common seal, and the same to alter and renew at pleasure, and to make such by-laws, rules and regulations, for the proper organization and good government of the said company, not inconsistent with the constitution and laws of the State of Alabama and the provisions of this act of incorporation, as they may deem proper.

SEC. 2. *Be it further enacted,* That the said company may consist of not more than one hundred members, who shall be admitted under such rules and regulations as said company may adopt.

SEC. 3. *Be it further enacted,* That the said company shall be required to keep and maintain in order for use, two separate steam engines, with the apparatus belonging to the same, and the company and its members shall be subject only to the control and government of its officers, and shall do duty in first and second fire districts of the city, under such government and control of its officers.

SEC. 4. *Be it further enacted,* That the members of the company designated in the first section of this act, shall be exempt, and are hereby exempted from militia

duty, road tax, performance of jury duty, as grand and petit jurors, in the circuit or county courts of Mobile county, so long as they continue to perform the duties of firemen under this act, and that any member who shall have served five consecutive years in the said "Exempt Steam Fire Company" of Mobile, without an intermission of over three months, or who shall have been disabled in the performance of duty as such, shall be constituted an "exempt fireman," and as such entitled to all the privileges and immunities of active members of the company: *Provided*, That no person shall be a member of said company unless he shall be an exempt fireman at the time of his becoming such member.

SEC. 5. *Be it further enacted*, That whenever the above company shall habitually neglect the performance of their duty as firemen, under this charter, or violate the provisions of this charter, it shall be the duty of the solicitor of the sixth judicial circuit to cause a *scire facias* to be issued, calling upon said company to show cause why their charter should not be declared forfeited, which writ shall be made returnable to the circuit court of Mobile county, and if the said company shall be found guilty of such habitual neglect, the said court shall declare their charter to be forfeited.

Neglect of duty
forfeits charter.

APPROVED, February 5, 1861.

No. 118.]

AN ACT

To incorporate the Mobile and Jacksonville Omnibus and Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That A. H. Ryland, E. B. Lott, C. F. Moulton, Wm. Tanner, W. S. Paine, Charles Rauls and J. B. Mendenhall, whose articles of association were filed in the probate court of Mobile county and recorded on 24th of August, 1860, and such other persons as have since that time associated with them, and such as may hereafter associate with them for that purpose, and their successors, are hereby constituted a body politic and corporate, by the name and style of the "Mobile and Jacksonville Omnibus and Railroad Company,"

Incorporators.

and pow.
etc.

and said company shall have continued succession, may sue and be sued, have a common seal, and is hereby vested with all the powers and privileges and immunities which may be necessary to effect the purposes of this act, and to make all lawful contracts for the use and benefit of said corporation.

Routes of the line.

May construct a horse railroad.

How railroad shall be constructed.

Capital ten thousand dollars, which may be increased; shares fifty dollars.

Enforcement of payment for stock.

SEC. 2. *Be it further enacted*, That said company is hereby authorized to establish and operate a line of omnibuses in the city and county of Mobile, along the following route: starting at Royal street, and running west, by the West Ward Hotel, on the old St. Stephens road, to the intersection of the old St. Stephens and the Stone street roads, in Toulminville in Mobile county; and said company is also authorized and fully empowered, if they think proper so to do, within five years from this time, to contract, maintain and operate a horse railroad, within said city and county along said route, to the intersection of said two roads at Toulminville; and also to make all lawful contracts for the transportation of persons and property upon said road, to make any lawful contract with any person or corporation about the business of said company, and also to make joint stock with any other omnibus or railroad company: *Provided, however*, If said company shall determine to build a railway in said city, they shall so lay the rails and track within the corporate limits of the city, as to conform to the grading of the streets required by the city, and along such way from Royal street to the West Ward Hotel, as the corporate authorities may prescribe, and with such form of rail as the engineer of the city may approve: *And provided further*, That they shall not lay any track or tracks on any street or road occupied by the Mobile and Spring Hill Railroad Company, without the consent of said company.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same to such amount as may be necessary to carry into effect the object and purposes of the company as indicated in this act, to be divided into shares of fifty dollars each, which shares may be transferred in such manner as the by-laws of the company may direct, upon the books of the company.

SEC. 4. *Be it further enacted*, That the board of directors of said company shall have power to require the payment of sums subscribed by the stockholders in such

manner, and at such times as they may deem proper; and on failure or refusal of any stockholder to pay any instalment of stock that may be due, then and in that case, the president and directors may, in twenty days after demand made of said defaulting stockholder, proceed to sell at public sale the share or shares of stock owned by such stockholder, to the highest bidder, and if upon such sale said stock does not produce enough to pay said default, then the said company is authorized to commence proceedings in any court of competent jurisdiction, to recover the same by suit at law.

SEC. 5. *Be it further enacted*, That the corporate authorities of the city of Mobile are authorized and directed to grant said company the right of way through, in and upon either of the streets, in said city of Mobile, on the route before indicated in this act, and the commissioners of roads and revenue are hereby authorized to grant the same through, in or upon, the St. Stephens road outside of the limits of the city, for the construction of their track, and the passage of their cars, and in consideration of the privilege hereby granted, the property of said company and the capital actually paid in shall at all times be liable to the same rates of taxation as the property of individuals of said county of Mobile, and shall be taxed in no other way.

Right of way to be granted by the city and county authorities.

Property and stock liable to taxation.

SEC. 6. *Be it further enacted*, That the stockholders of said company shall annually elect three or more of their number, directors, and the said directors shall appoint out of their own number a president, and shall also appoint a secretary, who shall also be treasurer, who shall each hold their offices until their successors are appointed and qualified.

Directors and officers: how chosen.

SEC. 7. *Be it further enacted*, That said company is hereby authorized to purchase, receive and hold any such real and personal estate as may be necessary and convenient for carrying into effect the object for which this incorporation is granted.

To hold property

SEC. 8. *Be it further enacted*, That the business of said company shall be managed by the president and directors, who shall have the power of adopting by-laws for the government of said corporation, and of fixing the annual compensation of its officers, and the term of office of each one not regulated herein.

Management of business.

SEC. 9. *Be it further enacted*, That the president of said company shall have power to make all contracts for the

President to make contracts.

company, except when the amount exceeds the sum of five hundred dollars, in which case the same shall be authorized by a resolution of the board of directors, and not otherwise.

Stock formerly
taken made
valid.

SEC. 10. *Be it further enacted*, That the stock taken in said company under their organization, by virtue of the filing and recording their articles of association in the probate court of Mobile county, on the 24th August, 1860, shall be continued and be valid, together with all other rights acquired by said company as fully in every respect as if the same were done under this act.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and are hereby repealed.

APPROVED, February 8, 1861.

No. 119.]

AN ACT

To incorporate the North Alabama Railroad Company.

Incorporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James J. Donegan, Robert Fearn, Egbert J. Jones, Isaac D. Wam, John W. Ledbetter, Davis Moore, M. P. Roberts, O. D. Sledge, and George D. Norris, of Madison county, and James Lamar, James C. Scott and David Ricketts, of Marshall county, be and they are hereby appointed commissioners, any five of whom may act and do all business necessary to be done under this act, preparatory to the organization of the "North Alabama Railroad Company," and they shall open books of subscription for the capital stock of said company, at such time and places, and with such notice, not less than thirty days, as they may think proper.

Name; opening
books.

Capital stock;
amount of shares

SEC. 2. *Be it further enacted*, That the capital stock of said railroad company may be five hundred thousand dollars, in shares of twenty-five dollars each, with the privilege of increasing the same to one million dollars, should such increase be found necessary for its construction and future management.

Route and con-
nections.

SEC. 3. *Be it further enacted*, That said railroad shall extend from the place on the line between the state of Alabama and Tennessee, where the Tennessee part of the

Winchester and Alabama Railroad may strike the said line, thence by or near the village of New Market, and intersecting the Memphis and Charleston Railroad at or near the city of Huntsville and continuing to said city, thence in the direction of the Tennessee river, upon the route surveyed in the year 1860, under the superintendence of John F. Steele, by or in the neighborhood of the village of Vienna, or such other route as may be deemed best by the president and directors of said railroad, to the most practicable point on said river for connecting with the Tennessee and Coosa Railroad.

SEC. 4. *Be it further enacted*, That as soon as fifty thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the "North Alabama Railroad Company," and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes of this incorporation, and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state or elsewhere, and to have and use a common seal, and the same to alter or amend at pleasure, to pass such by-laws, rules and ordinances for the good government of said corporation as to them may seem proper, and generally do all things necessary to carry into effect fully and completely the objects of this act.

When the company may be organized; its powers and privileges.

SEC. 5. *Be it further enacted*, That as soon as fifty thousand dollars shall have been subscribed the commissioners hereby appointed shall call a general meeting of the subscribers, at such time and place as they may appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect one president and eight directors, by ballot, to manage the affairs of said company, and the commissioners as aforesaid, or any three or more of them, shall be judges of said first election of president and directors, and the certificate of said commissioners, or as many of them as shall have acted in said first election, shall be conclusive thereof, and that the requisitions of this act prior to the said election have been fully complied with; and the directors thus chosen shall allow the president such compen-

Meeting of subscribers; election of officers, &c.

sation as they may think proper; and on all occasions, whenever a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her, and any stockholder may depute any other person to vote and act for him or her as his or her proxy.

Annual election
of president and
directors.

SEC. 6. *Be it further enacted*, That the president and directors of said company shall be chosen annually by the stockholders of said company, and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy shall be filled by the president and directors, or a majority of them, and that the president and directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time, and a majority of stockholders shall have power to remove the president or any director, and to fill all vacancies occasioned by removal, at pleasure.

Officers, engi-
neers, and ser-
vants; how ap-
pointed.

SEC. 7. *Be it further enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers and servants of said company, and shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this company for carrying into effect the objects of this act: *Provided, only*, That such by-laws shall not be contrary to the laws of this state; and said president and directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, to issue certificates or other evidences of such loan, and to pledge the property of said company for the payment of the same with interest.

May borrow
money.

Payments for
stock; how en-
forced.

SEC. 8. *Be it further enacted*, That the said president and directors shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock in said company, and at such time as they may think best for the interest of said company, and upon the failure or refusal of any stockholder to pay the instalment required on his, her or their stock, in pursuance of any call made by said president and directors as aforesaid, said president and directors

may, upon giving thirty days' notice, proceed to sell at public sale the share or shares of said stock, owned by such stockholder, or such part as they may think proper, to the highest bidder, and if upon the sale of the shares of said stock owned by said defaulting stockholder, said stock should be sold for less than the amount due upon the instalments as above mentioned, said stockholder shall be liable to pay to the said company the deficiency, in manner and form hereafter specified.

SEC. 9. *Be it further enacted*, That upon the failure or refusal of any stockholder to pay any instalment called for or demanded by the president and directors of said company, or if upon the sale of said shares, as before specified, they shall be sold for less than the amount due upon instalments, as above mentioned, the president and directors, upon giving twenty days' notice to said defaulting stockholder, may proceed by attorney and in the name of said company to move the circuit court of the county in which said stockholder may reside for judgment against the said stockholder, for the amount called for by the president and directors of said company, or as the case may be, for any deficiency that may occur in the sale of said stock, as above specified, and said court is hereby authorized and empowered and required to render judgment against the said defaulting stockholder, at the same term of the court at which said motion is made, which judgment so given shall be a lien on the real or personal property of said stockholder, and an execution shall issue as upon other judgments for the amount of said judgment and costs; and all notices hereby required to be given to any defaulting stockholder shall be issued by and in the name of the secretary of the board of directors, and served by the sheriff of the county in which the stockholder may reside, and shall be returned to the office of the clerk of the court, as in cases of common writs, and the sheriff shall be entitled to one dollar for serving said notice, which, with all costs that may accrue on said proceedings, shall be paid by the party against whom judgment may be rendered, and where the instalment called for or demanded by said president and directors is less than fifty dollars, the said company may, by its attorney, bring suit before justices of the peace against the stock-

Suits against defaulting stockholder; how conducted.

holder upon whom said demand is made, should he or she fail or refuse to pay the same.

Contracts for
materials, &c.

SEC. 10. *Be it further enacted*, That the president and directors of said company are hereby authorized to contract for and receive conveyances of land, stone, timber and wood, which may be necessary or required in the construction of said railroad and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the president and directors of said company, in the name of said company, to apply to the sheriff of the county in which said lands or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the circuit court for the county in which said land or other property may be situated, which shall be entered by the clerk as the judgment of the court, and execution may issue thereon for the amount of said judgment and costs: *Provided always*, That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond with good and sufficient securities in such sum as the court may order, be allowed an appeal to the next term of the circuit court, where said case shall stand for trial *de novo*: *Provided also*, Thirty days notice shall have been given to the opposite party, issued by the clerk of the court and served by the sheriff of the county.

Party dissatisfied
may appeal.

Oath to be taken
by tryers.

SEC. 11. *Be it further enacted*, That the jurors trying said case shall take the following oath, which oath the sheriff is hereby authorized to administer: "You and each of you do swear (or affirm as the case may be) that you will well and truly try the case now pending and submitted to your decision, between A. B., complainants, and the president and directors of the North Alabama Railroad Company, defendants; and that you will take into consideration the advantages and value which the construction of the railroad may give to lands and other property, as well as the injury said lands or other property may sustain by its construction, through or near which it may be constructed, so help you God."

Property con-
demned to enure
to the company.

SEC. 12. *Be it further enacted*, That the said lands or other property, when so condemned or estimated as aforesaid, shall enure to and become the property of said company forever, upon the payment by said com-

pany of the amount assessed by said jury to the party claiming damages on account of the construction of said road through said lands, or for such other property: *Provided*, That said work shall in no wise be delayed on account of the proceedings had as aforesaid.

SEC. 13. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said road or roads, he shall forfeit and pay to the said company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending with sufficient security for his or her good behavior for a period of not less than one year, and such offender shall also be subject to indictment, and shall be sentenced, at the discretion of the court, to be imprisoned not less than three nor more than six months.

Malicious damage to road; how punished.

SEC. 14. *Be it further enacted*, That in the construction of said railroad the president and directors of said company shall not in any manner obstruct any public road now established, but shall provide convenient passages to travel over said road.

Public road not to be obstructed.

SEC. 15. *Be it further enacted*, That payments of the subscription to the stock in said railroad may be made in the materials, labor, provisions, and all and everything necessary for the construction of said road which the board of directors, at their discretion, may deem expedient to accept.

In what subscriptions may be paid.

SEC. 16. *Be it further enacted*, That after the completion of said road, or any part thereof, the said president and directors may lay and collect tolls from all persons, property, merchandise, and other commodity transported thereon: *Provided*, The net profits of said road shall never exceed twenty-five per cent. per annum.

Tolls.

SEC. 17. *Be it further enacted*, That the general assembly reserve the right and power to authorize the construction of any railroad to cross the one authorized by this act, at any point the General Assembly may think proper.

SEC. 18. *Be it further enacted*, That nothing in this act shall be so construed as to confer upon the said company any right to exercise the powers of a banking

Banking prohibited.

company, or to issue any description of paper or evidences of debt intended as circulation.

APPROVED, February 7, 1861.

No. 120.]

AN ACT

To incorporate the Central Insurance Company, at Tuscaloosa.

Incorporators.

Name of company and powers.

Opening books: enforcement of payments.

Restrictions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Leonard B. Neal, E. B. Vaughn, J. P. Turner, John W. Pratt, Daniel N. Clark and George Benagh, and their successors, be and they are hereby constituted and declared a body politic and corporate, under the name and style of the "Central Insurance Company," and shall be entitled to all the rights, privileges and immunities, and subject to all the restraints, restrictions and disabilities conferred and imposed by its charter upon the Tuskegee Insurance Company, approved January 19, 1856: *Provided,* That any three of the above named persons may open books for subscription of stock in the city of Tuscaloosa, and that any subscriber for stock in said "Central Insurance Company," failing to pay his subscription as required, may be sued therefor in the courts of Tuscaloosa county: *And provided further,* That said company shall not borrow money from banks not chartered in this state, upon penalty of forfeiting this charter.

APPROVED, February 5, 1861.

No. 121.]

AN ACT

To incorporate "The North Alabama Steamboat Company."

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Lamar, Jerome C. Cornwell, and Grandison Greenwood, of Marshall county; James M. Todd, Mathew Mahon, and Pleasant Todd, of Morgan county; James Williams, Albert Erskine, and Augus-

tus Ganter, of Jackson county, be and they are hereby appointed commissioners, any three or more of whom may act conjointly, and are hereby authorized and empowered to open books of subscription to the capital stock of a company to be known, when organized under the provisions of this act, as "The North Alabama Steamboat Company."

SEC. 2. *Be it further enacted*, That three or more of said commissioners shall give notice of the times and places of receiving subscription to the capital stock of said company, by advertisement for three weeks in a newspaper published at Somerville, Guntersville and Bellefonte, and receive subscriptions for the stock thereof, and shall keep said books open so long as they shall deem expedient, or until the whole amount of the capital stock of said company shall be subscribed for.

Opening books
of subscription.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, to be divided into one thousand shares at fifty dollars per share.

Capital stock.

SEC. 4. *Be it further enacted*, That when the sum of fifteen thousand dollars is subscribed to the capital stock of said company, the subscribers thereto shall be and they hereby are created a body corporate, under the name and style of "The North Alabama Steamboat Company," and shall proceed to elect a board of directors for said company, to consist of a president and four directors, at such time and place as the said commissioners or any three of them may appoint, and notice of said election shall be given in a newspaper published at Somerville, Guntersville and Bellefonte; and the board of directors so elected shall hold their office for the term of one year, and until their successors are elected, and such first election shall be held under the superintendence of at least three of said commissioners, and their certificate of the election of such president and directors shall be conclusive evidence thereof, and that said company has been regularly and properly organized under the provisions of this act.

A body corporate;
election of
officers.

SEC. 5. *Be it further enacted*, That the subsequent elections for president and directors of said company shall be held annually, at such time and place as the board of directors shall appoint, under the direction and supervision of the board of directors, for the time being, or any three of them, and their certificate of the

Election of president and directors.

One vote to each
share of stock.

election of their successors, from time to time, shall be *prima facie* evidence thereof, and the board of directors shall hold their office for the term of one year, and until their successors are elected; and at the first or any subsequent election for a board of directors of said company, each stockholder in said company shall be entitled to cast one vote for each share of stock in said company owned by him, and any vacancy in the presidency or board of directors of said company shall be filled by the vote of said board of directors, and at any election for said board of directors any stockholder may vote in person or by proxy, and three members of said board at any meeting shall constitute a quorum for the transaction of business.

Corporate privileges; may hold
property, borrow
money, &c.

SEC. 6. *Be it further enacted,* That the said North Alabama Steamboat Company shall have full power and authority to purchase, hold and sell one or more steamboats or other boats, to use the same in the navigation of the Tennessee river and its tributaries, and the transportation of freight and passengers thereon, to borrow money, and make, execute and deliver obligations for the payment thereof and interest thereon, to hold real and personal property not exceeding one hundred thousand dollars in value, to sue and be sued, plead and be impleaded in law and in equity, and do all other acts and things which may be necessary and proper to carry out the objects of their creation.

May have a seal,
make by-laws,
&c.

SEC. 7. *Be it further enacted,* That the board of directors of said company shall have full power and authority to make, alter and destroy a common seal for said company, to make, alter and amend such by-laws, rules and regulations as they may deem expedient for the government of said company, and the proper transaction of its business, create and abolish such offices, and make and vacate appointments thereto, as they shall think fit, and do and perform all other acts and things they may deem necessary to effect the objects of the incorporation of said company, not contrary to the existing laws of the state.

APPROVED, February 5, 1861.

No. 122.]

AN ACT

To incorporate Ingram's Academy, in Russell County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That B. Ingram, Richard Allen and John Buchanan, of Russell county, and their successors and associates in office, be and they are hereby constituted a body politic and corporate in deed and in law, by the name and style of "Ingram's Academy," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions, both in law and in equity, may receive donations, purchase property of any kind, whether real or personal, and have and use a common seal; they shall further be empowered to make such rules and regulations and by-laws, for the good government of said institution, as may be necessary, the same not being repugnant to the constitution of the State of Alabama, or the laws thereof.

General powers
and privileges.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person to sell intoxicating liquors within one mile of said academy, except for medical or sacramental purposes; and any one violating the provisions of this section, shall be guilty of a misdemeanor and be subject to indictment, and on conviction shall be fined not less than one hundred dollars.

Sale of liquors
prohibited with-
in one mile.

APPROVED, February 7, 1861.

No. 123.]

AN ACT

To incorporate the Chulafinnee Academy, in Randolph County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wm. H. McReynolds, C. P. Pittman, I. H. McClintock, A. W. Denman, I. H. Bell, W. T. Wood, J. J. Leagon, Henry Blake, and G. W. Gay, they and their associates and successors in office, be and they are hereby constituted a body corporate and politic in deed and in law, by the name and style of the "Chu-

Incorporators.

Powers and priv-
ileges.

laffinee Academy," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions, both in law and equity; may receive donations, purchase property of all kinds, whether real, personal or mixed, for the sole use and benefit of the said institution, the same to hold, use or dispose of at pleasure, and have and use a common seal; they shall further be empowered to make such rules, regulations and by-laws for the good government of said institution as may be necessary, the same not being repugnant to the constitution of the State of Alabama or the laws thereof.

Sale of liquors
within one mile
prohibited.

SEC. 2. *Be it further enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons to retail or vend any spirituous or intoxicating liquors within one mile or less of said Chulafinee Academy, except for medical purpose; and any person or persons offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction, upon indictment in the circuit court, shall be fined in a sum of not less than one nor more than three hundred dollars, at the discretion of the jury trying the same.

SEC. 3. *Be it further enacted*, That all laws and parts of laws inconsistent with this act, are hereby repealed.

APPROVED, February 8, 1861.

No. 124.]

AN ACT

To incorporate the Mechanics' Aid Association of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Weedon, Robert Hall, George F. Plant, William Beig, Hiram Granger, Thos. C. Pierce, Simeon Pierce, John Riggs, George R. Boyd, and such others as may be associated with them for that purpose and their successors, be and they are hereby created a body corporate, by the name and style of the "Mechanics' Aid Association," of Selma, with power to sue and to be sued, in all the courts of this state, of purchasing

Name and pow-
ers.

property of all descriptions, to make and use a common seal; and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the constitution and laws of this state.

SEC. 2. *Be it further enacted*, That the capital stock of this corporation shall be ten thousand dollars, to be divided into shares of one hundred dollars each, to be paid in manner following: Ten dollars on each share at the time of subscription, and the residue at such times and in such instalments as the directors of said corporation may require, which capital stock may hereafter be increased to any sum not exceeding fifty thousand dollars; and if any stockholder shall refuse or neglect to make the payments as required, his stock may be sold by order of the directors at public sale in the city of Selma, upon ten days' notice in a newspaper published in said city, and such stockholder shall be liable for the balance due on his subscription after the sale of his stock, as it becomes due, and may be sued for the same before a justice of the peace in the city of Selma, or in the circuit court of Dallas county.

Capital stock ten thousand dollars; shares one hundred each.

SEC. 3. *Be it further enacted*, That books of subscription for the capital stock of said corporation shall be opened at any time within two years, at such place in the city of Selma as a majority of the persons named in the first section of this act may direct, advertisement of the time and place being first given for ten days in one of the Selma newspapers, which books shall be kept open until the sum of ten thousand dollars shall be subscribed for; and the said persons or a majority of them shall call a meeting of the stockholders as soon as may be, after the said sum of ten thousand dollars shall be subscribed, who shall elect five directors to manage the business of the corporation for one year, or until their successors shall be chosen. The said directors shall elect one of their number as president, and the said president and directors shall have power to elect a secretary and treasurer, who shall give such bond and security as the directors shall require, and receive such salary as they may agree upon, and shall be elected annually.

Opening of books of subscription.

Election of directors and officers.

SEC. 4. *Be it further enacted*, That the objects and duties of said corporation shall be to receive on deposit for safe keeping the earnings of mechanics, working people and others, to give such depositors receipts or

Objects and duties.

other vouchers for said deposits; to pay to said depositors interest on such terms and rates as may be agreed on with the depositors, or as may be provided for in the by-laws of the company in case of no agreement; and to repay the principal to the several depositors on their call, order or check, or on the surrender of the receipts or vouchers: *Provided*, That the said company shall not be compelled to receive a smaller deposit at one time than five dollars, nor to pay interest until the sum of twenty dollars shall have been deposited by any one person, or until it shall have been on deposit for thirty days.

Security of depositors.

SEC. 5. *Be it further enacted*, That to secure the depositors from loss by said company, the capital stock of said company and all property owned by it shall be subject to the debts and deposits of said company.

Investment of stock; may deal in exchange, &c.

SEC. 6. *Be it further enacted*, That the capital stock of said company may be invested in any stock issued by the state, or in the stock of any of the banks chartered by authority of the State of Alabama, or may be loaned on pledges or unencumbered real estate, with bond and mortgage security; and that said corporation may deal in foreign and domestic exchange, lend its surplus funds on such securities as the directors may determine, and to discount and purchase notes and bills of exchange, and that it may acquire and hold real estate as a corporation, and erect buildings thereon for the use of the company, not exceeding twenty thousand dollars in value, and such other real estate as may be acquired in the way of securing its debts or claims.

Directors and officers; duties and powers.

SEC. 7. *Be it further enacted*, That the business of the company shall be managed by five directors, to be elected annually by the stockholders, one of whom shall act as president, and that said directors shall have power to appoint a secretary and treasurer, and any other officers that may be required by said corporation; to fix the salaries of officers, and to require bonds of the officers for the faithful performances of their duties; and further, shall have power to make and adopt by-laws and regulations for the government of the company, for the management of its business, for the transfer of its stock, for the loan, collection and investment of its money; to do and perform all things that may be necessary for the welfare of said corporation: *Provided*, They

shall have no power to do anything contrary to the laws and constitution of the State of Alabama.

SEC. 8. *Be it further enacted*, That the governor of the state may appoint, biennially, three commissioners to examine into the condition of said corporation, its money, books and liabilities, and to report thereon under oath; and it shall be the duty of the president and directors of the company to afford said commissioners every facility to enable them to make their examination thorough and accurate, and shall also pay said commissioners each three dollars per day for their services in making said examination, not exceeding thirty dollars each.

Governor to appoint commissioners.

SEC. 9. *Be it further enacted*, That it shall be the duty of said company to receive for collection all promissory notes and bills of exchange, negotiable and payable at its office, or at any of the banks or exchange offices in the city of Selma, which may be left at its office for that purpose, as much as ten days before their maturity, free of charge; and that all notes and bills of exchange negotiable and payable at the office of said corporation shall be governed in all things by the law merchant, except so far as the same is changed by the law of the state, and shall be entitled six days of grace; and provided that the rates of discount shall in no case exceed that established for the regulations of the Commercial Bank of Alabama, at Selma, in its charter.

To make collections.

Six days grace.

SEC. 10. *And be it further enacted*, That James G. L. Martin, Edward B. Young, Eli S. Shorter, Clayton R. Woods, William H. Chambers and John McNab, and such others as may be associated with them for that purpose, and their successors, be and they are hereby created a body corporate, by the name and style of the "Eufaula Savings Association," and all the provisions of this act in reference to the Mechanics' Aid Association are extended to the said Eufaula Savings Association, except that the acts authorized or required to be done in the city of Selma shall be done in the city of Eufaula, and the suits provided for shall be brought before some justice of the peace in the said city of Eufaula, or in the circuit court of the county of Barbour; and the said association shall be authorized at any time to increase their capital stock to fifty thousand dollars, upon the same conditions and restrictions.

Eufaula Savings Association.

Selma Planters'
and Merchants'
Insurance Co.

SEC. 11. *Be it further enacted*, That the foregoing franchises and privileges herein granted the Mechanics' Aid Association, are extended and granted to the Planters' and Merchants' Insurance Company, at Selma, and that said corporation is hereby authorized and empowered to avail itself of all of the provisions of this act, and may in addition to the insurance business carry on the business of a savings institution, according to the provisions of this act.

APPROVED, February 8, 1861.

No. 125.]

AN ACT

To revive the act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5th, 1852, and the supplemental act thereto, approved February 17th, 1854.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Price Williams, O. Mazange, John J. Walker, Francis B. Clark, John H. Garner, James B. Gladney, Wm. S. Price and L. M. Wilson, be and they or any three of them who may organize under this act, and their associates are hereby created a body corporate, with all the powers, privileges and immunities embraced in an act entitled "An act to incorporate the Alabama Direct Trade and Exchange Companies," approved February 5th, 1852, and "An act supplemental to an act to incorporate the Alabama Direct Trade and Exchange Company," approved February 17th, 1854.

APPROVED, February 6, 1861.

No. 126.]

AN ACT

To amend an act approved 25th February, 1860, incorporating the Opelika Insurance Company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the time within which the books of sub-

scription of the Opelika Insurance Company should have been opened, under the provisions of the act of incorporation, approved 25th day of February, 1860, be and the same is hereby extended until the first day of September, 1862; and that Nathaniel Sledge, Houston L. Griffin, John Edwards, John Floyd, Andrew B. Griffin, jr., and Andrew B. Griffin, sr., be added to the number of superintendents thereof.

Extension of
time of subscrip-
tion.

SEC. 2. *Be it further enacted*, That all the rights, privileges and immunities conferred on the Tuskegee Insurance Company, by an act approved the 19th day of January, 1856, be and they are hereby extended to and conferred upon the "Opelika Insurance Company," and the "Alabama Insurance and Exchange Company," at Tuskegee, so far as applicable.

Privileges ex-
tended.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and they are hereby repealed.

SEC. 4. *Be it further enacted*, That the words and figures 1861, in the 3d section of an act to incorporate the LaFayette Insurance Company, approved February 24th, 1860, be stricken out and the words 1862 be inserted in lieu thereof. And that the proviso in the fifth section of said act be amended, by striking out the words, "pay out or circulate the notes of foreign banks:" *Provided*, That the General Assembly may at any time hereafter alter, modify or repeal this charter: *And provided further*, That nothing contained in this act shall be construed as conferring upon said company banking powers or privileges: *And provided further*, That no bank note or bill issued or made by any bank created or established by the authority of any of our sister states, or of any foreign country, shall be paid out under any circumstances by the company created by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created.

LaFayette Insur-
ance Company.

Restrictions.

APPROVED, February 9, 1861.

No. 127.]

AN ACT

To revive and amend the Charter and change the name of the South Alabama Mining, Manufacturing and Transportation Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of the South Alabama Mining, Manufacturing and Transportation Company, chartered by an act approved the 18th day of February, 1854, be changed to that of the Shelby Coal Rail Road Company, and by that name shall be and hereby is revived and invested with all the rights, powers, privileges and functions conferred by said act to as full and complete effect, as if the said act were herein fully recited: *Provided, however,* That in lieu of the fourth section of said act, there shall be and hereby is substituted as follows:

Name changed to Shelby Coal Railroad Company.

Rights and powers conferred.

That the said company shall have the right, by its agents, engineers, surveyors and servants, to enter into and upon all lands, tenements and enclosures, to locate, establish and construct such rail roads as they may deem necessary for carrying on the business of transporting coal and other property and materials; and they shall have the right to cross with their rail roads any established, or to be established rail roads or other roads, provided the passage of such rail or other roads shall not be impeded; and may cause any roads or ways to be changed or altered if they shall deem it necessary in order that any rail road or rail roads of said company may be made on the best sites or routes for the purposes of said company; and said company shall put said altered roads and ways in as good condition as at the time of altering or changing the same; and said company may charge toll and freight, and transport for hire property and persons, and are authorized to contract for and receive conveyances for rights of way and land for the construction of said rail road; and for depots, stations, side tracks, turnouts, yards, cuttings, embankments, buildings, structures, places of deposit for coal and other property, and for wastebanks, and for obtaining timber, lumber, stone, gravel, and other materials, such and so much land as may be necessary or convenient for the construction, security and maintenance of their said rail roads, and the prosecution and

May charge tolls and freight, &c.

carrying on the business thereof; and in case the said company and owner or owners of the land which may be required for the purposes herein mentioned, shall fail to agree on the price, or from any other cause the said company should be unable to procure the right to the use of the same, the said company may cause said lands to be condemned to their use in the manner prescribed in the fifth section of an act entitled "An act to amend the charter of the Alabama and Tennessee Rivers Rail Road," approved the 18th day of February, 1852; and the company, for the purpose of condemning said lands and rights of way, required as aforesaid, and of obtaining titles to the use of the same, shall have and exercise all the powers, rights, privileges, and immunities, and proceed in the same manner and form, *mutatis mutandis*, and be subject to the same restrictions and limitations as are granted to and are imposed upon the Alabama and Tennessee Rivers Rail Road, by the fifth section of the act aforesaid: *Provided, nevertheless*, That no rights of way for the tracks of any rail road to be constructed under this act shall be condemned over two hundred feet wide, nor over ten miles in length: *And provided further*, That the condemnation of lands under this act, (the money being paid as provided by said fifth section) shall vest in this company the rights of way, and all power over the lands so condemned that may be necessary for the full and complete use thereof for the purposes, objects, and business of the company during the existence of this corporation, but shall not divest the fee nor the reversion from the owner; and all damages to be assessed, shall be assessed accordingly.

Right of way;
how obtained.

Extent to which
land may be con-
demned.

Rights acquired
by condemnation

SEC. 2. *Be it further enacted*, That no appeal which may be taken under the provisions of the said fifth section of the act aforesaid, or any writ or other legal process taken or sued out, to prevent, or which may cause a delay in obtaining a final decision in regard to damages on the condemnation of land for the use of said company, shall have the effect of suspending the right of said company to proceed in the construction of their roads: *Provided*, Said company will give bond and security, to be approved by the judge of the probate court in the county in which the roads or greater part thereof may be situated, payable to the owner of the land if known, and if not, then to the said judge for

Appeal not to
suspend opera-
tions.

the use of the owner, conditioned to pay all such costs and damages as may be judged against said company on the final decision of the case.

APPROVED, February 5, 1861.

No. 128.]

AN ACT

To amend an act entitled An act to incorporate the South Western Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act, entitled "An act to incorporate the South Western Rail Road Company," approved January 21st, 1860, be and the same is hereby amended by striking out the words, "Girard Rail Road Company," where they occur in the fifteenth line of the second section of said act, and inserting in lieu thereof the words, "Montgomery and Eufaula Rail Road Company," approved on the 13th of January, 1860.

APPROVED, February 8, 1861.

No. 129.]

AN ACT

To amend the Charter of the town of Tuskegee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act incorporating the town of Tuskegee be so amended that the town council be authorized to levy an annual tax, not to exceed the sum of three thousand dollars, for the purposes set forth in said act of incorporation.

Council may levy
tax.

APPROVED, February 8, 1861.

No. 130.]

AN ACT

To repeal Section Sixth of An act approved February the 21st, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sixth section of the act entitled "An act to incorporate the Lauderdale Manufacturing Company," approved February 21st, 1860, be and the same is hereby repealed.

APPROVED, January 25, 1861.

No. 131.]

AN ACT

To amend An act to incorporate the Southern Express Company, approved February 23d, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sixth section of the "act to incorporate the Southern Express Company," approved February 23d, 1860, be and the same is hereby repealed, and that in all other particulars said act is revived and continued in force.

APPROVED, February 9, 1861.

No. 132.]

AN ACT

To amend a certain act therein named in relation to the Alabama Insurance and Exchange Company at Tuskegee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the 3d section of an act, approved January 19th, 1856, to incorporate the Tuskegee Insurance Company, as requires the books of subscription to be opened on the first day of July (then) next, so far as the same is applicable to the act "to incorporate the Alabama Insurance and Exchange Company, at Tuskegee," approved February 25th, 1860, be so con-

Time of opening
books of sub-
scription extend-
ed.

strued as to extend the time to the first day of January, A. D. 1863; and that said Alabama Insurance and Exchange Company shall be and is hereby authorized to open books of subscription at any time prior to the said first day of January, 1863.

SEC. 2. *Be it further enacted*, That the 2d section of the said act "to incorporate the Alabama Insurance and Exchange Company, at Tuskegee," be amended by adding thereto, "except as provided in the act referred to, 'to incorporate the Tuskegee Insurance Company,'" and that the said second section shall read as follows:

No banking powers,

That nothing contained in this act shall be construed as conferring on said company banking powers or privileges, except as provided in the act to incorporate the said Tuskegee Insurance Company: *Provided*, Said company shall not exercise banking powers or privileges:

Restrictions as to paying out bank bills.

And provided further, That no bank note or bill issued or made by any bank created or established by the authority of any of our sister states, or of any foreign country, shall be paid out under any circumstances by the company created by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created.

APPROVED, February 8, 1861.

No. 133.]

AN ACT

Amendatory of An act to incorporate the Bank of Alabama, and for other purposes, approved February 13th, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the words "one year" wherever they occur in the said act, entitled an act to incorporate the Bank of Alabama, and for other purposes, approved February 13th, 1860, be and the same are hereby stricken out, and that the words, "two years," be and the same are hereby inserted in lieu of the words so stricken out, that is in lieu of the words "one year," wherever those words occur in the said act.

APPROVED, February 5, 1861.

No. 134.]

AN ACT

To amend An act to incorporate the Lawrenceville Male and Female Academy, in Henry county, so far as the Gadsden Male and Female Academy, in Cherokee county, is concerned.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third section of an act entitled "An act to incorporate the Lawrenceville Male and Female Academy, in Henry county, and for other purposes," approved January 22d, 1858, be so amended, and the same is hereby, as to allow the sale of vinous and spirituous liquors, by the barrel, within one mile of the Gadsden Male and Female Academy, in Cherokee county.

APPROVED, February 8, 1861.

No. 135.]

AN ACT

To amend An act to incorporate the Alabama Annual Conference of the Methodist Episcopal Church South.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to incorporate the Alabama Annual Conference of the Methodist Episcopal Church South," be and the same is hereby amended so as that the said corporation may receive and hold real and personal property to the value of one hundred and fifty thousand dollars, to be employed under the direction of the said trustees for the advancement of the interests of religion and education and for charitable purposes, as provided for in said act of incorporation. May hold real and personal property.

APPROVED, January 31, 1861.

To amend an act entitled "An act to incorporate the Mechanics' Aid Association, of Mobile," approved February 24th, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the greater security of persons dealing with said corporation, the stock thereof shall not be transferable in any case where the stockholder is indebted, or liable as drawer, endorser, or acceptor of any note, bill, or other obligation held and owned by the corporation; and such stock shall remain and be held, under the lien hereby created, until such indebtedness or liability shall be fully paid or canceled. And if the same be not fully paid within thirty days after the maturity thereof, then it shall be lawful for said corporation to sell said stock: *Provided,* Thirty days' notice of such sale be given to the owner thereof; or the said corporation may itself retain said stock, by paying the excess over and above said indebtedness to the owner thereof.

Stockholder cannot transfer stock while indebted to corporation.

Division of shares into one hundred dollars each; increase of capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall be divided into shares of one hundred dollars each, and that said corporation shall have power from time to time to increase its capital stock to a sum not exceeding one hundred thousand dollars, by a vote of the trustees thereof; and they may prescribe the terms of payment of such increased stock, and the stockholders may themselves make up the amount of such increased stock by a proportional assessment on their former stock; every such increase of stock shall be held, used, and employed for the same purposes and objects as the sum of ten thousand dollars originally provided for.

No pay to trustees.

SEC. 3. *Be it further enacted,* That no trustee shall be entitled to any compensation for services as such trustee, but the president thereof shall receive such compensation as the board of trustees may direct.

Charge for collections.

SEC. 4. *Be it further enacted,* That for collecting notes, drafts, and bills of exchange owned or held by non-residents, said corporation may charge such commissions or per centage as is usual to be charged for such services by private banking houses in this state.

SEC. 5. *Be it further enacted*, That the proviso to the eleventh section of said act, approved February 24th, 1860, be stricken out, and the following in lieu thereof be inserted, viz: That said corporation, in addition to the investment heretofore authorized, may invest its funds in the capital stock of any bank or other institution chartered by this state, and receive in trust or on deposit all funds that may be offered to it, whether on interest, current account, or otherwise: *Provided*, Said corporation shall not discount any bill of exchange, draft, or promissory note at a rate of interest exceeding eight per cent. per annum.

Investment of funds.

May receive deposits.

SEC. 6. *And be it further enacted*, That all acts and parts of acts conflicting with the provisions of this act be and the same are hereby repealed.

APPROVED, February 5, 1861.

No. 137.]

AN ACT

To amend the Charter of the City of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act an appeal may be had to the first circuit or county court of Montgomery county to be held, upon all judgments rendered by the mayor and aldermen of the city of Montgomery, and upon the same terms and conditions as is prescribed by law in cases of appeal from the decisions of justices of the peace, and shall be tried at the first term unless a continuance is allowed to either party: *Provided*, That in such cases of appeal there shall be no appeal from the county to the circuit court.

Appeal from judgments of the mayor to circuit or county court.

APPROVED, February 1, 1861.

No. 138.]

AN ACT

To amend the Charter of the incorporation of the town of Opelika.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Intendent may
punish contempts
and may fine and
imprison offend-
ers.

convened, That in addition to the powers, authority and privileges granted to the intendent of the town of Opelika in the Code, provision for the incorporation of towns, &c., is hereby invested with the following: The intendent has full power to punish for contempt in the same manner and under the same rules and regulations prescribed by the Code of Alabama in reference to the punishment for contempt of justices of the peace. He has full powers to try all offences against the ordinances and by-laws of the corporation without regard to the amount of the fine or forfeiture, and to punish the offender both by fine and imprisonment in the manner that may be prescribed by said ordinances and by-laws.

Corporate limits
extended into
Macon county.

SECTION 2. *Be it further enacted*, That the present boundary, now a circle, be changed to a square, embracing the following sections, as follows, to wit: To embrace in the county of Russell, sections seven and eighteen, and the west halves of sections eight and seventeen in township nineteen, range twenty-seven, and the east halves of sections twelve and thirteen in township nineteen, range twenty-six, in Macon county, all in the State of Alabama; and that all persons included by this extension into Macon county, and within the said corporate limits, be subject to all the conditions, liabilities and penalties imposed by the laws and ordinances of said corporate authorities and entitled to all the privileges therein granted.

APPROVED, February 8, 1861.

No. 139.]

AN ACT

For the relief of Lucretia Davidson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the register of the chancery court of Montgomery county, or the chancellor of the southern chancery division, is hereby authorized to appoint Alexander F. Given trustee for Lucretia Davidson, either with or without bond, as she may elect, instead of James Davidson, upon his filing his resignation of his trust with said register; and, as soon as such appointment is made, the trusteeship and trust property

Change of trustee.

of said Lucretia shall be removed from the jurisdiction of the chancery court of Coosa or Autauga counties and become subject to the jurisdiction of the chancery court of Montgomery county.

APPROVED, February 6, 1861.

No. 140.]

AN ACT

For the relief of the late Sheriff of Tuscaloosa County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of four hundred and nineteen dollars and ninety cents be and the same is hereby appropriated to Ezekiel Anders, jr., late Sheriff of Tuscaloosa county, in payment of his accounts for boarding sundry prisoners as therein stated.

SECTION 2. *Be it further enacted,* That the comptroller draw his warrant on the treasurer for the same sum, to be paid out of any money not otherwise appropriated.

APPROVED, January 29, 1861.

No. 141.]

AN ACT

For the relief of the children of Gabriel Wharton Long.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Henry Clay Long, John Pytehlín Long and Albert Gallatin Long are hereby relieved of all the penalties and disabilities contained in sections 2276 and 2277 of the code of Alabama, and that they may do and perform all things from which they are excluded in said sections, the same as if they had been born free white persons.

Relieves from disabilities imposed upon persons of mixed blood.

APPROVED, February 2, 1861.

No. 142.]

AN ACT

For the relief of W. D. Perryman, Sheriff of the county of Butler.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be authorized to draw his warrant on the state treasurer in favor of W. D. Perryman, sheriff of Butler county, for the sum of two hundred and three dollars for expenses in apprehending Andrew Sims, Griffin Holloway and John Odum, fugitives from justice, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, February 9, 1861.

No. 143.]

AN ACT

For the relief of Burrell Johnson and other persons therein named of Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the attorney-general be and he is hereby authorized to make an entry of satisfaction on a judgment in the circuit court of Montgomery county, upon execution issued on said judgment in favor of the State of Alabama against Burrell Johnson, tax collector of Perry county, and John H. Stone, C. J. Phillips, W. R. Brown and W. A. Sanders, his securities: *Provided,* All said judgment has been or shall hereafter be paid, except the sum of two thousand three hundred and sixty-seven 37-100 dollars, being the damages exclusive of the principal and interest of the actual default of said tax collector, which said damages, amounting to said sum, are alone intended to be hereby relinquished.

Portion of judgment to be paid.

APPROVED, February 1, 1861.

No. 144.]

AN ACT

For the relief of John H. Norwood and others, of Jackson county.

WHEREAS, a forfeiture of one hundred dollars was taken against John H. Norwood, probate judge of Jackson county and his sureties in the circuit court of Montgomery county, at the fall term, 1860, thereof, for failing to make out and return to the comptroller's office, an abstract of the state taxes for the year 1859, and it now appearing that said abstract of state taxes has been filed, and the amount thereof paid over to the tax collector of said county, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor be and he is hereby authorized to remit said forfeiture, or such part thereof, as to him shall seem just.

APPROVED, February 8, 1861.

No. 145.]

AN ACT

For the relief of the heirs of J. W. Kilpatrick, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer for the sum of thirty dollars, in favor of W. D. Walden and W. T. Stubblefield, administrators of the estate of J. W. Kilpatrick, deceased, paid by him for retail license, to be paid out of any money in the treasury not otherwise appropriated. Remits money paid for license.

SEC. 2. *Be it further enacted,* That the judge of probate for Coosa county, be and he is hereby authorized and required to draw his warrant on the county treasurer of said county for the sum of twenty-four dollars, to be paid out of any money in the treasury not otherwise appropriated, in favor of W. T. Stubblefield and W. D. Walden, administrators of the estate of J. W. Kilpatrick, deceased, paid by him for retail license. Money to be drawn from county treasury of Coosa.

APPROVED, February 8, 1861.

No. 146.]

AN ACT

For the relief of Wm. M. Glass, of Bibb county.

Pay for arresting
criminals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and forty dollars be and the same is hereby appropriated to William M. Glass, on account of expenses incurred by him for arresting one Samuel Oakes and one Thomas Head, in Bibb county, for horse stealing, and delivering the said Samuel Oakes to the proper authorities at Columbus, Georgia, and the said Thomas Head to the proper authorities in Tallapoosa county, Alabama.

SEC. 2. *Be it further enacted,* That the comptroller be and he is hereby authorized and required to draw his warrant upon the treasurer in favor of William M. Glass, for the said sum of one hundred and forty dollars, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, February 8, 1861.

No. 147.]

AN ACT

For the relief of William A. Noel.

Trust removed
to Arkansas.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the chancellor of the northern division be authorized, if in his opinion the interests of the beneficiaries of the trust will be advanced, or not prejudiced thereby, to grant permission to William A. Noel, trustee under the will of James Noel, deceased, of Elizabeth Beloats and William Claiborne, to remove the property of his *cestui que trusts* to the State of Arkansas, upon his giving such bond as the chancellor may direct.

APPROVED, February 8, 1861.

No. 148.]

AN ACT

For the relief of George G. Henry, of Mobile county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized to draw his warrant on the treasurer, in favor of George G. Henry, of Mobile county, for the sum of two hundred and ninety-one dollars and thirty-seven cents, being excess of taxes overpaid by him in consequence of error in valuation of real estate in the assessment of taxes against him for the years 1855 and 1856, which said amount has been heretofore paid into the state treasury. Excess of tax refunded.

APPROVED, February 8, 1861.

No. 149.]

AN ACT

For the relief of R. F. Campbell, Tax Collector of Choctaw county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be authorized to draw his warrant on the treasurer of the state, in favor of R. F. Campbell, tax collector of Choctaw county, for the sum of seventy-one dollars and twenty-one cents, to be paid out of any moneys in the treasury not otherwise appropriated, the same being the amount of sales of lands sold by him on account of taxes for the year 1860, in Choctaw county, and bid in by him for the state: *Provided, however,* That said Campbell shall first file in the comptroller's office the certificates for the purchase of said lands properly made out.

APPROVED, February 8, 1861.

No. 150.]

AN ACT

For the relief of Martha B. Adams.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That in consequence of the loss by fire of her books, vouchers and other papers, Martha B. Adams, executrix under the authority of the probate court of Mobile county, of the last will of her husband, the late Thomas Adams, be authorized to file in said court for a partial settlement of her administration as such executrix, a statement verified by oath or affirmation as to its correctness, of the amount of moneys of said estate which have been received by her as such executrix, and of the amount paid out by her in that character since her last previous partial settlement in said court, without being required to set forth the items composing such amounts; and that the affidavit of Collin H. Mings, of Mobile, the agent of said executrix, may be received as *prima facie* evidence of the correctness of said statement: *Provided, however*, That nothing herein contained shall be construed so as to prevent error in such statement from being alleged and shown.

APPROVED, January 29, 1861.

No. 151.]

AN ACT

For the relief of Wm. C. Penick.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall not be lawful for the corporation of the city of Wetumpka to levy and collect corporation taxes upon so much of the farm of William C. Penick as lies within the corporate limits of said city, so long only as said farm within said corporate limits is used for the purpose of cultivation in corn or cotton only, and not used as city lots or rented and cultivated as such.

APPROVED, February 8, 1861.

No. 152.]

AN ACT

For the relief of F. Villeret.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That F. Villeret be and he is hereby author-

ized to apply electro-magnetism and galvanism in the cure of human diseases, and to charge and collect reasonable compensation therefor in this State.

APPROVED; February 8, 1861.

No. 153.]

AN ACT

For the relief of Frederica Ludecus and other persons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mrs. Frederica Ludecus, of the county Free-dealer. of Montgomery and State of Alabama, be and she is hereby made capable of suing and being sued, to plead and be impleaded in the courts of this state, and to buy and sell and hold real and personal property, and the proceeds of her labor and earnings, as fully and completely as though she was single and unmarried.

SEC. 2. *Be it further enacted,* That all the provisions Extended to C. S. Lee and E. E. Cleveland. of the foregoing section of this act are hereby extended and made applicable to Cornelia S. Lee and Elizabeth E. Cleveland, of Montgomery county.

APPROVED, February 8, 1861.

No. 154.]

AN ACT

For the relief of the heirs at law of Narcissa J. Burks, late of Tallapoosa county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Hardy Bryant and Wm. T. Holmes, of Talbot county, in the State of Georgia, who are appointed executors of the last will and testament of Mrs. Narcissa J. Burks, late of Tallapoosa county, are hereby authorized to apply for and receive letters testamentary on said will according to the provisions thereof from the probate court of Tallapoosa county, provided the creditors of said estate shall not be deprived of the rights now secured to them by law if they desire to enforce them.

APPROVED, January 21, 1861.

No. 155.]

AN ACT

For the relief of John Owens and Daniel Freeman, of Jackson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of the county of Jackson, be and they are hereby authorized to make an appropriation annually out of the county treasury of said county equal to the amount paid for keeping each pauper in the poor houses of said county, to John Owens and Daniel Freeman, citizens of said county, for keeping one Mary E. King, an insane female resident of said county so long as she lives and remains a charge on said Owens and Freeman in said county.

APPROVED, January 25, 1861.

No. 156.]

AN ACT

For the relief of James M. Hackney.

Restored to citizenship.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James M. Hackney, of Marshall county, who was at the November term, 1852, of the district court of the United States for the northern district of Alabama, convicted of breaking open and robbing the mails of the United States, and who has served out the term of his imprisonment on said conviction, be and he hereby is vested with and restored to all the rights and privileges of a citizen of this state as fully as though he had never been convicted as aforesaid.

APPROVED, February 5, 1861.

No. 157.]

AN ACT

To divorce Rachel H. Weathers from Francis T. Weathers, and other persons therein named.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That Rachel H. Weathers be and she is hereby Weathers. divorced from her husband, Francis T. Weathers, pursuant to a decree of the chancery court of the 10th district and southern chancery division of Alabama, provided the said Rachel H. Weathers shall not be relieved of any penalties by this act until the expiration of the time specified by the chancellor in his final decree.

SEC. 2. *Be it further enacted*, That Martha H. Cumby Cumby. be and she is hereby divorced from her husband, Pleasant A. Cumby, pursuant to a decree of the chancery court of the 35th district and northern division of Alabama.

SEC. 3. *Be it further enacted*, That Amanda T. Betts Betts. be and she is hereby divorced from her husband, Isaac H. Betts, pursuant to a decree of the chancery court of the 20th district and southern division of Alabama.

APPROVED, January 29, 1861.

No. 158.]

AN ACT

To divorce Elijah Moncrieff from Elizabeth Moncrieff, and to divorce other persons therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Elijah Moncrieff be divorced from his wife Elizabeth Moncrieff, pursuant to a decree of the chancery court, held for the 20th district and southern division; and that Parthenia Cawthon be divorced from Cawthon. Arthur Cawthon, and that John White be divorced from White. Martha White, pursuant to a decree of the 20th district and southern chancery division.

APPROVED, January 25, 1861.

No. 159.]

AN ACT

To divorce certain persons therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Nancy A. Belcher be and she is hereby Belcher.

divorced from Abner Belcher, in pursuance to a decree of the chancery court for the 11th district of the southern chancery division.

Dawson. SEC. 2. *Be it further enacted*, That Susannah P. Dawson be and she is hereby divorced from Robert Dawson, in pursuance of a decree of the chancery court of the 18th district of the middle chancery division.

Givens. SEC. 3. *Be it further enacted*, That Rosanna Givens be and she is hereby divorced from Elkins Givens, in pursuance of a decree of the chancery court of the 11th district of the southern chancery division.

Roberts. SEC. 4. *Be it further enacted*, That Nancy Roberts be and she is hereby divorced from Thomas L. Roberts, in pursuance of a decree of the chancery court of the 5th district of the southern chancery division.

Summerlin. SEC. 5. *Be it further enacted*, That William T. Summerlin be and he is hereby divorced from Sarah A. R. Summerlin, in pursuance of a decree of the 39th district of the northern chancery division.

Pitts. SEC. 6. *Be it further enacted*, That Laban Pitts be and he is hereby divorced from Sarah Pitts, in pursuance of a decree of the 36th district and northern chancery division.

Gunn. SEC. 7. *Be it further enacted*, That Seth W. Gunn be and he is hereby divorced from his wife, Rebecca Gunn, in pursuance of a decree of the 35th district and northern chancery division.

Oliver. SEC. 8. *Be it further enacted*, That Ann Eliza Oliver be and she is hereby divorced from her husband, Charles W. Oliver, in pursuance of a decree of the 10th district and southern chancery division.

APPROVED, February 5, 1861.

No. 160.]

AN ACT

To divorce Arthur Beardin from his wife Nancy A. Beardin, and to divorce other persons therein named.

Beardin. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Arthur Beardin be and he is hereby divorced from his wife Nancy A. Beardin, pursuant to a decree of the chancery court of the 22d district and middle division of the State of Alabama.

SEC. 2. *Be it further enacted*, That Florence J. Burgess ^{Burgess.} be and she is hereby divorced from her husband, Benjamin F. Burgess, pursuant to a decree of the chancery court of the 22d district and middle chancery division.

SEC. 3. *Be it further enacted*, That Johnson McShan ^{McShan.} be divorced from his wife, Mary McShan, pursuant to a decree of the chancery court of the 19th district and middle division.

SEC. 4. *Be it further enacted*, That Hosea Cromer ^{Cromer.} be divorced from his wife, Rachel Cromer, pursuant to a decree of the chancery court of the 35th district and northern chancery division.

SEC. 5. *Be it further enacted*, That James Critcher ^{Critcher.} be divorced from his wife, Eliza Rebecca Critcher, pursuant to a decree of the chancery court of the 32d district and northern division.

SEC. 6. *Be it further enacted*, That John Oldfield, ^{Oldfield.} be divorced from his wife, Frances Oldfield, pursuant to a decree of the chancery court of the 29th district and northern division.

SEC. 7. *Be it further enacted*, That Martha S. Beach- ^{Beachomp.} omp be divorced from her husband, John Edward Beachomp, pursuant to a decree of the chancery court of the 29th district and northern division.

APPROVED, January 29, 1861.

No. 161.] AN ACT

For the relief of Rufus Greene.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Rufus Greene, of Coosa county, be and he is hereby released from the disabilities and penalties imposed by law on all persons against whom a divorce has been granted.

APPROVED, January 31, 1861.

No. 162.]

AN ACT

For the relief of Robert S. Wilson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Robert S. Wilson, of Montgomery county, be and he is hereby relieved from all the penalties and disabilities which by law attach to persons from or against whom a divorce has been obtained in any state.

APPROVED, February 1, 1861.

No. 163.]

AN ACT

For the relief of Alexander Dean.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Alexander Dean, of Sumter county, Alabama, from whom Catharine Dean, of said county, has obtained a divorce, and who is still living, be and he is hereby permitted to marry again the same as if he had never contracted a marriage with the said Catharine Dean, all laws and parts of laws to the contrary notwithstanding.

APPROVED, February 5, 1861.

ERRATA.—On page 18, in the second line of the first proviso, after the words “Alabama Central Rail Road,” strike out the word “Company.”

On page 31, the date of the approval of act No. 21 is omitted. Said act was approved January 25, 1861, as appears from the enrolled copy.

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